Office-Supreme Court, U.S.
FILED
JUN 5 1981
ALEXANDER L. STEVAS,
CLERK

No. 78, Original

# In the Supreme Court of the United States

OCTOBER TERM, 1980

---

STATE OF CALIFORNIA, PLAINTIFF

*v.*

STATE OF ARIZONA and the
UNITED STATES OF AMERICA,
DEFENDANTS

---

## REPORT OF THE SPECIAL MASTER

---

ROY W. HARPER
*Senior United States District Judge*
*Special Master*

TABLE OF CONTENTS


| | Page |
|---|---|
| Introduction | 1 |
| Discussion | 3 |
| Conclusion | 4 |
| Proposed Decree | 5 |
| Appendices: | |
| A. Joint Motion for Entry of Decree | 1a |
| B. Memorandum in Support of Joint Motion | 3a |

# In the Supreme Court of the United States

OCTOBER TERM, 1980

No. 78, Original

STATE OF CALIFORNIA, PLAINTIFF

*v.*

STATE OF ARIZONA and the
UNITED STATES OF AMERICA,
DEFENDANTS

## REPORT OF ROY W. HARPER, SPECIAL MASTER

### INTRODUCTION

This case involves conflicting ownership claims as between the State of California, the State of Arizona, and the United States of America concerning an 11.3-mile stretch of the bed of the Colorado River in an area where the former channel of the river has been bypassed by two federal rechannelization projects.

After unsuccessful efforts to resolve the dispute, the State of California filed an original action in quiet title against the State of Arizona and the United States in America, setting forth its ownership claims in the bed of the former channel. The United States initially interposed an objection to the filing of the complaint on sovereign immunity grounds. After hearing argument, the Court overruled this defense and concluded that 28 U.S.C. 1346 (f) and 2409a(a) permitted the Court to entertain the action. 440 U.S. 59 (1979). The Court granted

leave to file the complaint, and the State of Arizona later filed a counterclaim and cross-claim which sought to quiet title to its half of the bed of the former channel. The undersigned was subsequently appointed as Special Master to hear the case. 441 U.S. 959 (1979).

In its answer, the United States interposed a defense that the action was barred by the statute of limitations as to a portion of the property under 28 U.S.C. 2409a(f), and a second defense that, as to another portion of the property, the action was barred by res judicata by virtue of prior condemnation proceedings. The United States also affirmatively alleged ownership of certain portions of the land claimed by the two states.

Pursuant to stipulation of the parties, the action was bifurcated to allow the Special Master to first consider the defenses of the United States that the action was barred as to certain portions of the land at issue. Evidence was taken and written and oral argument considered. In June 1980, the Special Master issued a Memorandum Opinion overruling the special defenses of the United States. The United States elected not to challenge this ruling, and the parties proceeded with preparation for a trial on the merits of the respective ownership claims.

The central issue in the case is the proper location of the former bed of the Colorado River in the area affected by the two federal rechannelization projects. The parties have proceeded with trial preparation, including discovery, on this issue. At the same time, they also initiated settlement discussions aimed at resolving the substantial uncertainty surrounding this question without the need for a full evidentiary hearing. In October 1980, they advised the Special Master that a settlement in principle had been

reached, and asked that the trial date of November 17, 1980, be vacated in order to allow time to prepare documents in proposed resolution of the dispute. This request was granted. The parties subsequently submitted their Joint Motion for Entry of Decree, Proposed Decree, and Memorandum in Support of Motion, all appended to the present Report.

The Proposed Decree would quiet title in the two states to their respective halves of the former main channel of the Colorado River, in accordance with a metes and bounds description that is incorporated in the Proposed Decree. The parties have met with the Special Master to discuss the Proposed Decree and he has had an opportunity fully to review the basis underlying that Decree.

## DISCUSSION

The parties are in agreement that the rechannelization projects resulted in avulsive changes in the location of the river bed, and that such avulsive changes did not change the boundaries of the ownership of the two states in the bed of the former channel. The remaining task is to locate, with precision, the former bed of the river in the 11.3-mile area. As is set forth in the Memorandum supporting the Joint Motion of the parties, there is a variety of old surveys, maps, and aerial photographs which bear upon this issue, and no one location of the former bed can be established with absolute certainty as the true position of the former bed. A number of reasonable, but differing placements of the former bed are possible, given the conflicting interpretations of the evidence available. It is this uncertainty that has prompted the parties to select from among the reasonable alternative positions of the former river bed

the location that is incorporated in the descriptions contained in the Proposed Decree.

In the view of the Special Master, this proposed resolution of the dispute is entirely appropriate. The Proposed Decree does not purport to adjust a property boundary without reference to applicable law, or leave the matter open for subsequent "arbitration." (Compare *Vermont* v. *New York*, 417 U.S. 270 (1974).) To the contrary, after years of active dispute over the boundaries of their respective ownerships in and adjacent to this reach of the former bed of the Colorado River, the parties have correctly applied settled legal principles and, based upon those principles, selected a reasonable location of their respective ownerships, the boundaries of which they now propose be fixed with certainty. The Special Master has examined the proposal of the parties and has concluded that the agreed location of the former bed of the river results from a reasonable application of governing law to the available facts. Entry of a Consent Decree is accordingly within this Court's jurisdiction under article III of the Constitution. (See *New Hampshire* v. *Maine*, 426 U.S. 363 (1976).)

## CONCLUSION

The Special Master recommends:

1. That the Joint Motion for Entry of Decree be granted by the Court;

2. That the Proposed Decree appended hereto be entered by the Court.

Respectfully submitted.

ROY W. HARPER
*Senior United States District Judge*
*Special Master*

June 1981

# In the Supreme Court of the United States

OCTOBER TERM, 1980

---

No. 78, Original

STATE OF CALIFORNIA, PLAINTIFF

*v.*

STATE OF ARIZONA and the
UNITED STATES OF AMERICA,
DEFENDANTS

---

## PROPOSED DECREE

The joint motion of plaintiff and defendants for entry of a decree having been submitted to the Court together with the Report of the Special Master recommending that the motion be granted,

IT IS ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. The Report of the Special Master is hereby approved, and the motion of plaintiff and defendants for entry of a decree is granted.

2. This decree determines ownership of certain portions of the bed of the former channel of the Colorado River. The decree does not relate to, nor does it have an effect upon, the political boundary between the State of California and the State of Arizona, which

was set by congressionally approved compact in 1966 (Pub. L. No. 89-531, 80 Stat. 340).

3. The State of California is the owner in fee simple, by virtue of its sovereignty, of those lands in the bed of the former channel of the Colorado River more particularly described in Exhibit A to this decree.

4. The boundaries of the lands described in paragraph 3 above and in Exhibit A to this decree are permanent and fixed.

5. The State of Arizona and the United States of America, and each of them, have no right, title, estate, or lien, whatever, in the lands described in paragraph 3 above and in Exhibit A to this decree and the State of Arizona and the United States of America, and each of them, are hereby enjoined and restrained from claiming or asserting any right, title, estate, or lien, whatever, in said lands, subject to the provisions of paragraph 9 below.

6. The State of Arizona is the owner in fee simple, by virtue of its sovereignty, of those lands in the bed of the former channel of the Colorado River more particularly described in Exhibit B to this decree.

7. The boundaries of the lands described in paragraph 6 above and in Exhibit B to this decree are permanent and fixed.

8. The State of California and the United States of America, and each of them, have no right, title, estate, or lien, whatever, in the lands described in paragraph 6 above and in Exhibit B to this decree, and the State of California and the United States of America, and each of them, are hereby enjoined and restrained from claiming or asserting any right, title, estate, or lien, whatever in said lands, subject to the provisions of paragraph 9 below.

9. This action does not present for decision any question concerning the existence or extent of the federal navigational servitude in the lands that are the subject of this decree, and this decree makes no determination concerning that question.

10. The expenses of the Special Master shall be borne by the parties as previously directed by the Court. Each party shall bear its own costs in this action.

# EXHIBIT "A"

A parcel of land in the former channel of the Colorado River in Imperial County, California, adjacent to Township 9 South, Range 21 East, San Bernardino Meridian; Township 10 South, Range 21 East, San Bernardino Meridian; Township 10 South, Range 22 East, San Bernardino Meridian; Township 11 South, Range 22 East, San Bernardino Meridian, more particularly described as follows:

BEGINNING at a point on the center line of the former channel of the Colorado River having California Coordinate System, Zone 6, coordinates of x = 2,482,449.14 feet and y = 387,218.39 feet, from which United States Water and Power Resources Service (formerly United States Bureau of Reclamation) Station RUIN bears N 56°27′07″E 733.37 feet, as said points are shown on the map entitled, "Davis Lake Area Project Administrative Maps", said map approved October 28, 1976 by the California State Lands Commission, and being on file at the office of said Commission in Sacramento, California; thence from said point of beginning, upstream along the center line of the former channel of the Colorado River, said center line being a fixed and limiting boundary of the herein described parcel, the following 377 courses:

1. N 06°11′02″E 91.76 feet;
2. N 54°12′32″E 18.78 feet;
3. N 12°45′10″E 174.75 feet;
4. N 12°53′00″W 103.53 feet;
5. N 05°09′17″W 146.10 feet;
6. N 13°58′10″E 87.64 feet;

7. N 05°10′13″W 66.53 feet;
8. N 23°31′10″E 26.95 feet;
9. N 36°32′17″E 111.82 feet;
10. N 19°17′18″W 275.69 feet;
11. N 04°49′28″W 45.39 feet;
12. N 25°30′26″W 64.01 feet;
13. N 21°45′19″W 170.09 feet;
14. N 02°16′16″E 15.76 feet;
15. N 26°25′14″W 142.77 feet;
16. N 19°59′28″W 151.68 feet;
17. N 32°00′03″W 345.18 feet;
18. N 03°24′14″W 16.15 feet;
19. N 34°25′41″W 352.66 feet;
20. N 30°34′31″W 260.03 feet;
21. N 36°46′58″W 310.64 feet;
22. N 41°48′53″W 306.12 feet;
23. N 40°25′19″W 290.08 feet;
24. N 44°30′49″W 169.94 feet;
25. N 30°52′29″W 39.42 feet;
26. N 47°44′12″W 40.80 feet;
27. N 21°30′40″W 23.17 feet;
28. N 34°34′58″W 209.82 feet;
29. N 34°44′50″W 317.95 feet;
30. N 34°44′47″W 291.32 feet;
31. N 37°31′17″W 279.41 feet;
32. N 36°05′21″W 275.56 feet;
33. N 37°39′47″W 240.96 feet;
34. N 32°03′44″W 164.74 feet;
35. N 26°41′11″E 14.17 feet;
36. N 37°08′14″W 33.36 feet;
37. N 35°36′16″W 86.74 feet;
38. N 39°41′49″W 66.46 feet;
39. N 37°12′59″W 163.13 feet;
40. N 28°19′51″W 220.22 feet;
41. N 34°33′42″W 149.82 feet;

| | | |
|---|---|---|
| 42. | N 39°16′54″W | 17.91 feet; |
| 43. | N 46°59′54″W | 65.69 feet; |
| 44. | N 36°45′41″W | 175.14 feet; |
| 45. | N 30°48′13″W | 247.89 feet; |
| 46. | N 35°33′18″W | 233.54 feet; |
| 47. | N 42°45′30″W | 301.59 feet; |
| 48. | N 29°31′50″W | 70.64 feet; |
| 49. | N 39°15′12″W | 181.84 feet; |
| 50. | N 34°08′26″W | 287.28 feet; |
| 51. | N 36°56′15″W | 341.54 feet; |
| 52. | N 33°51′40″W | 248.93 feet; |
| 53. | N 30°53′53″W | 227.36 feet; |
| 54. | N 28°52′32″W | 133.47 feet; |
| 55. | N 41°33′10″W | 32.08 feet; |
| 56. | N 32°30′33″W | 214.79 feet; |
| 57. | N 32°47′41″W | 159.63 feet; |
| 58. | N 41°44′15″W | 149.07 feet; |
| 59. | N 51°38′10″W | 15.67 feet; |
| 60. | N 29°44′55″W | 238.30 feet; |
| 61. | N 25°49′43″W | 111.43 feet; |
| 62. | N 09°13′34″W | 69.07 feet; |
| 63. | N 21°53′52″W | 147.48 feet; |
| 64. | N 65°05′19″W | 9.15 feet; |
| 65. | N 32°30′38″W | 38.27 feet; |
| 66. | N 21°01′27″W | 83.19 feet; |
| 67. | N 10°39′51″E | 44.53 feet; |
| 68. | N 02°15′38″W | 45.67 feet; |
| 69. | N 44°22′08″W | 27.00 feet; |
| 70. | N 20°34′25″W | 93.00 feet; |
| 71. | N 18°23′16″W | 48.78 feet; |
| 72. | N 16°26′02″W | 95.55 feet; |
| 73. | N 04°26′34″W | 49.11 feet; |
| 74. | N 08°54′12″W | 109.59 feet; |
| 75. | N 45°00′45″W | 15.45 feet; |
| 76. | N 15°52′18″W | 46.11 feet; |

77. N 23°50′06″E 50.55 feet;
78. N 06°27′18″W 28.68 feet;
79. N 29°30′20″W 14.62 feet;
80. N 15°29′04″E 39.92 feet;
81. N 28°23′27″E 42.72 feet;
82. N 23°04′47″E 132.80 feet;
83. N 47°17′33″E 256.64 feet;
84. N 48°40′23″E 89.15 feet;
85. N 52°50′14″E 286.63 feet;
86. N 59°57′29″E 156.23 feet;
87. N 62°51′03″E 103.67 feet;
88. N 60°52′13″E 166.51 feet;
89. N 57°00′27″E 53.17 feet;
90. N 57°43′27″E 326.93 feet;
91. N 68°38′25″E 38.74 feet;
92. N 45°44′50″E 25.05 feet;
93. N 60°53′25″E 148.11 feet;
94. N 52°28′50″E 136.72 feet;
95. N 53°48′33″E 194.46 feet;
96. N 53°11′16″E 49.55 feet;
97. N 80°15′07″E 22.12 feet;
98. N 50°13′23″E 181.66 feet;
99. N 69°57′50″E 40.08 feet;
100. N 34°56′12″E 24.41 feet;
101. N 50°47′14″E 202.15 feet;
102. N 61°59′40″E 50.34 feet;
103. N 47°49′50″E 49.76 feet;
104. N 48°09′42″E 163.97 feet;
105. N 50°09′37″E 112.15 feet;
106. N 27°22′23″E 134.94 feet;
107. N 47°51′44″E 124.47 feet;
108. N 46°01′44″E 142.53 feet;
109. N 39°04′50″E 180.94 feet;
110. N 45°09′21″E 189.68 feet;
111. N 39°57′52″E 156.08 feet;

112. N 43°26′27″E 199.19 feet;
113. N 52°12′27″E 221.41 feet;
114. N 50°29′55″E 152.42 feet;
115. N 52°54′27″E 179.48 feet;
116. N 62°15′35″E 213.37 feet;
117. N 68°45′32″E 55.26 feet;
118. N 67°29′40″E 76.60 feet;
119. N 65°41′07″E 165.43 feet;
120. N 67°14′09″E 294.39 feet;
121. N 64°24′36″E 128.78 feet;
122. N 53°03′32″E 106.15 feet;
123. N 70°17′39″E 35.29 feet;
124. N 73°29′13″E 147.47 feet;
125. N 59°19′13″E 74.01 feet;
126. N 30°28′52″E 18.53 feet;
127. N 60°22′22″E 71.20 feet;
128. N 18°45′56″E 28.50 feet;
129. N 39°20′12″E 181.32 feet;
130. N 15°18′44″E 22.87 feet;
131. N 34°48′05″E 113.34 feet;
132. N 01°37′33″E 25.20 feet;
133. N 20°03′20″E 279.59 feet;
134. N 08°48′55″E 494.65 feet;
135. N 06°07′16″W 329.64 feet;
136. N 01°08′01″W 46.25 feet;
137. N 12°04′58″W 216.22 feet;
138. N 02°16′55″E 41.56 feet;
139. N 12°25′25″W 199.17 feet;
140. N 27°14′52″W 38.46 feet;
141. N 20°48′06″W 242.26 feet;
142. N 19°51′45″W 337.38 feet;
143. N 24°07′19″W 226.77 feet;
144. N 27°31′47″W 169.08 feet;
145. N 25°20′37″W 190.07 feet;
146. N 27°40′18″W 329.72 feet;

147. N 28°56′10″W 330.72 feet;
148. N 24°33′34″W 60.51 feet;
149. N 29°27′35″W 208.29 feet;
150. N 28°05′26″W 247.46 feet;
151. N 23°44′10″W 163.83 feet;
152. N 13°09′48″W 254.49 feet;
153. N 19°22′18″W 307.39 feet;
154. N 21°47′25″W 159.63 feet;
155. N 30°33′33″W 99.94 feet;
156. N 29°12′13″W 207.55 feet;
157. N 31°55′33″W 235.86 feet;
158. N 28°51′47″W 106.13 feet;
159. N 36°40′00″W 174.32 feet;
160. N 02°47′21″E 19.11 feet;
161. N 43°43′57″W 240.40 feet;
162. N 41°01′16″W 304.70 feet;
163. N 46°54′46″W 122.65 feet;
164. N 40°49′49″W 90.29 feet;
165. N 51°59′40″W 174.20 feet;
166. N 44°21′26″W 78.79 feet;
167. N 54°41′29″W 220.08 feet;
168. N 53°16′11″W 329.75 feet;
169. N 61°51′41″W 110.58 feet;
170. N 52°54′43″W 215.67 feet;
171. N 58°08′36″W 153.28 feet;
172. N 59°29′55″W 174.49 feet;
173. N 56°21′47″W 191.68 feet;
174. S 89°23′45″W 20.87 feet;
175. N 62°40′51″W 144.58 feet;
176. N 60°27′35″W 329.61 feet;
177. N 58°43′43″W 350.72 feet;
178. N 49°48′54″W 206.44 feet;
179. N 71°14′37″W 266.43 feet;
180. N 67°56′20″W 72.52 feet;
181. N 64°05′13″W 230.11 feet;

182. N 68°36′52″W 337.96 feet;
183. N 68°46′07″W 60.86 feet;
184. N 57°31′28″W 62.02 feet;
185. N 69°12′17″W 194.71 feet;
186. N 74°52′18″W 51.54 feet;
187. N 60°10′12″W 91.32 feet;
188. N 72°23′57″W 284.72 feet;
189. N 66°43′26″W 289.75 feet;
190. N 71°49′29″W 317.90 feet;
191. N 69°12′03″W 238.91 feet;
192. N 64°15′14″W 72.27 feet;
193. S 65°27′32″W 40.27 feet;
194. N 74°15′53″W 194.46 feet;
195. N 73°49′49″W 290.50 feet;
196. N 72°33′14″W 374.10 feet;
197. N 67°46′21″W 342.36 feet;
198. N 57°56′05″W 76.94 feet;
199. N 87°47′11″W 87.90 feet;
200. N 72°42′55″W 288.96 feet;
201. N 71°19′03″W 300.30 feet;
202. N 80°29′32″W 203.62 feet;
203. S 89°12′33″W 61.22 feet;
204. N 70°29′19″W 104.61 feet;
205. N 79°25′58″W 67.02 feet;
206. N 80°35′31″W 373.72 feet;
207. N 80°52′09″W 380.68 feet;
208. N 77°30′29″W 200.60 feet;
209. S 80°07′35″W 41.78 feet;
210. N 68°08′20″W 43.73 feet;
211. N 82°47′20″W 337.50 feet;
212. N 78°02′35″W 194.88 feet;
213. N 77°39′54″W 170.67 feet;
214. N 77°07′59″W 330.55 feet;
215. N 79°02′44″W 201.15 feet;
216. N 70°18′48″W 173.92 feet;

| | | |
|---|---|---|
| 217. | N 78°14′27″W | 273.38 feet; |
| 218. | N 86°10′16″W | 121.38 feet; |
| 219. | N 56°59′20″W | 23.64 feet; |
| 220. | N 77°12′59″W | 426.70 feet; |
| 221. | N 83°15′03″W | 185.75 feet; |
| 222. | N 73°51′47″W | 182.15 feet; |
| 223. | N 71°13′45″W | 167.21 feet; |
| 224. | S 75°37′59″W | 30.89 feet; |
| 225. | N 71°33′44″W | 234.05 feet; |
| 226. | N 80°43′52″W | 137.24 feet; |
| 227. | N 69°41′51″W | 273.22 feet; |
| 228. | N 70°43′07″W | 254.91 feet; |
| 229. | N 66°56′08″W | 301.42 feet; |
| 230. | N 63°53′15″W | 256.28 feet; |
| 231. | N 58°33′26″W | 202.83 feet; |
| 232. | N 61°51′11″W | 184.76 feet; |
| 233. | N 52°03′07″W | 236.22 feet; |
| 234. | N 59°50′41″W | 424.43 feet; |
| 235. | N 57°02′33″W | 230.68 feet; |
| 236. | N 48°19′51″W | 103.33 feet; |
| 237. | N 40°22′48″W | 238.16 feet; |
| 238. | N 27°29′10″W | 445.07 feet; |
| 239. | N 27°28′12″W | 417.56 feet; |
| 240. | N 23°53′28″W | 462.72 feet; |
| 241. | N 20°07′44″W | 182.40 feet; |
| 242. | N 02°09′48″W | 110.47 feet; |
| 243. | N 45°05′17″W | 66.80 feet; |
| 244. | N 24°47′08″W | 167.79 feet; |
| 245. | N 04°37′48″E | 25.09 feet; |
| 246. | N 25°09′10″W | 194.51 feet; |
| 247. | N 47°03′42″W | 36.76 feet; |
| 248. | N 23°12′08″W | 208.06 feet; |
| 249. | N 31°51′35″W | 213.36 feet; |
| 250. | N 25°18′01″W | 275.95 feet; |
| 251. | N 22°57′02″W | 335.59 feet; |

252. N 35°58′44″W 89.13 feet;
253. N 24°17′16″W 160.88 feet;
254. N 75°21′26″W 17.52 feet;
255. N 27°01′17″W 188.36 feet;
256. N 13°08′58″W 227.87 feet;
257. N 40°21′42″W 136.76 feet;
258. N 24°24′56″W 197.69 feet;
259. N 23°37′41″W 184.07 feet;
260. N 26°21′53″W 373.91 feet;
261. N 30°13′30″W 285.83 feet;
262. N 23°37′13″W 44.79 feet;
263. N 32°55′17″W 111.43 feet;
264. N 70°24′21″W 45.64 feet;
265. N 38°36′29″W 28.58 feet;
266. N 27°45′40″W 98.67 feet;
267. N 46°12′44″W 44.96 feet;
268. N 24°49′30″W 178.43 feet;
269. N 05°35′47″E 26.71 feet;
270. N 22°59′42″W 38.82 feet;
271. N 10°02′49″E 30.61 feet;
272. N 19°34′05″W 114.65 feet;
273. N 05°33′59″E 13.45 feet;
274. N 12°59′57″W 110.34 feet;
275. N 01°10′59″E 216.95 feet;
276. N 07°13′33″E 110.78 feet;
277. N 06°00′55″E 131.88 feet;
278. N 12°01′16″E 173.06 feet;
279. N 04°06′19″W 44.77 feet;
280. N 34°06′19″E 126.69 feet;
281. N 40°46′38″E 329.61 feet;
282. N 27°01′26″E 173.94 feet;
283. N 46°34′13″E 311.34 feet;
284. N 46°36′53″E 361.75 feet;
285. N 57°24′33″E 118.71 feet;
286. N 52°19′49″E 242.35 feet;

287. N 47°03′21″E 177.59 feet;
288. N 52°11′08″E 276.80 feet;
289. N 52°23′33″E 387.60 feet;
290. N 39°39′32″E 300.47 feet;
291. N 24°24′38″E 351.30 feet;
292. N 18°55′03″E 170.32 feet;
293. N 16°04′01″E 220.64 feet;
294. N 27°29′02″E 177.93 feet;
295. N 33°39′19″E 182.00 feet;
296. N 44°33′29″E 266.80 feet;
297. N 37°44′11″E 162.18 feet;
298. N 39°45′24″E 191.62 feet;
299. N 44°11′35″E 141.82 feet;
300. N 49°35′13″E 289.05 feet;
301. N 67°47′17″E 434.12 feet;
302. N 50°05′56″E 187.21 feet;
303. N 53°46′23″E 313.82 feet;
304. N 57°52′30″E 229.52 feet;
305. N 34°44′43″E 240.98 feet;
306. N 13°51′35″E 139.72 feet;
307. N 30°29′51″E 218.39 feet;
308. N 09°00′09″E 310.43 feet;
309. N 03°29′17″E 364.22 feet;
310. N 21°07′35″E 112.02 feet;
311. N 25°42′13″E 133.57 feet;
312. N 45°58′18″E 53.38 feet;
313. N 60°19′59″E 51.98 feet;
314. N 37°15′32″E 182.58 feet;
315. N 15°23′58″E 83.49 feet;
316. N 15°42′01″E 261.08 feet;
317. N 36°24′20″W 51.58 feet;
318. N 15°15′01″E 196.32 feet;
319. N 13°42′25″W 206.28 feet;
320. N 32°40′58″E 42.13 feet;
321. N 32°31′26″E 214.62 feet;

322. N 44°06′21″E 17.67 feet;
323. N 30°59′00″E 115.35 feet;
324. N 25°35′07″E 44.46 feet;
325. N 18°27′29″E 109.88 feet;
326. N 22°50′29″E 131.46 feet;
327. N 05°32′17″E 162.37 feet;
328. N 01°04′56″W 188.48 feet;
329. N 08°30′21″W 126.56 feet;
330. N 16°47′18″E 224.07 feet;
331. N 30°43′44″E 88.32 feet;
332. N 41°35′58″E 181.80 feet;
333. N 41°26′54″E 4.11 feet;
334. N 62°19′06″E 53.47 feet;
335. N 42°17′15″E 75.16 feet;
336. N 42°33′08″E 98.01 feet;
337. N 14°53′12″E 16.50 feet;
338. N 05°14′15″W 25.31 feet;
339. N 39°32′31″E 98.80 feet;
340. N 04°53′40″W 145.92 feet;
341. N 09°04′54″E 362.65 feet;
342. N 14°50′01″E 304.17 feet;
343. N 01°28′58″E 71.48 feet;
344. N 02°08′33″E 176.53 feet;
345. N 01°57′51″W 319.75 feet;
346. N 01°20′24″W 243.11 feet;
347. N 09°08′02″E 139.88 feet;
348. N 13°07′32″W 209.36 feet;
349. N 06°26′13″W 175.51 feet;
350. N 05°37′45″W 293.41 feet;
351. N 06°34′59″W 217.59 feet;
352. N 07°47′48″W 290.66 feet;
353. N 10°41′30″W 267.70 feet;
354. N 04°47′01″W 72.08 feet;
355. N 14°28′47″W 234.20 feet;
356. N 00°19′43″W 116.62 feet;

357. N 07°44′46″W 279.97 feet;
358. N 11°32′18″W 356.71 feet;
359. N 11°07′49″W 213.28 feet;
360. N 14°30′09″W 272.42 feet;
361. N 06°36′37″W 286.80 feet;
362. N 08°28′38″W 238.45 feet;
363. N 17°03′40″W 151.67 feet;
364. N 09°18′29″W 342.55 feet;
365. N 14°40′23″W 256.29 feet;
366. N 14°18′03″W 363.43 feet;
367. N 11°45′38″E 206.67 feet;
368. N 41°54′52″E 321.85 feet;
369. N 63°25′44″E 273.18 feet;
370. S 74°04′12″E 474.64 feet;
371. N 88°03′52″E 416.71 feet;
372. S 66°20′00″E 572.97 feet;
373. S 80°24′37″E 222.10 feet;
374. S 89°46′40″E 349.53 feet;
375. N 82°26′19″E 391.23 feet;
376. N 66°00′59″E 497.08 feet;
377. N 58°38′57″E 276.46 feet to a standard California State Lands Commission brass tablet set in concrete stamped "N-MID-CAL 1981" having California Coordinate System, Zone 6 coordinates of x = 2,472,838.61 feet and y = 432,666.01 feet, said tablet being located on the westerly boundary of the parcels of land taken by condemnation in *United States* v. *243.25 Acres of Land*, Civil No. 3505-SD Smith (S.D. Cal. 1973) and *United States* v. *67.57 Acres of Land*, Civil No. 5925-Phx-Craig (D. Ariz. 1972); thence leaving said centerline of the former channel,

378. Northeasterly 278.84 feet along said westerly boundary, being a fixed and limiting boundary of the herein described parcel, on the arc of a curve, concave westerly, having a radius of 15,350 feet, to a point on said curve subtended by a chord which bears N 06°51′25″E 278.83 feet, said point being monumented with a standard California State Lands Commission brass tablet set in concrete, stamped "N-RB-CAL 1981," having California Coordinate System Zone 6 coordinates of x = 2,472,871.90 feet and y = 432,942.85 feet, from which California State Lands Commission Monument "PI-14" bears N 29°11′26″E 613.52 feet, as said monument is shown on said map; thence downstream along a fixed and limiting boundary of the herein described parcel, the following 27 courses:

379. S 47°59′19″W 68.50 feet;
380. S 60°07′46″W 395.55 feet;
381. S 63°03′23″W 406.08 feet;
382. S 82°42′48″W 307.48 feet;
383. N 87°47′25″W 311.23 feet;
384. N 73°24′25″W 206.60 feet;
385. N 58°24′42″W 393.27 feet;
386. N 67°05′29″W 259.46 feet;
387. S 84°46′40″W 186.77 feet;
388. S 73°38′32″W 305.36 feet;
389. N 68°41′39″W 214.67 feet;
390. N 85°22′33″W 272.89 feet;
391. S 75°15′23″W 216.12 feet;

392. S 50°14′50″W 139.18 feet;
393. S 43°55′50″W 265.21 feet;
394. S 46°19′31″W 275.14 feet;
395. S 15°12′01″W 206.91 feet;
396. S 26°13′45″E 157.09 feet;
397. S 19°00′46″E 279.67 feet;
398. S 29°05′57″E 98.41 feet;
399. S 18°06′17″E 215.54 feet;
400. S 06°52′21″E 382.84 feet;
401. S 05°18′02″E 273.86 feet;
402. S 08°14′28″E 324.68 feet;
403. S 13°16′00″E 308.30 feet;
404. S 09°19′42″E 216.36 feet;
405. S 11°35′03″E 233.81 feet, to a point having California Coordinate System, Zone 6 coordinates of x = 2,469,569.55 feet and y = 429,714.41 feet; thence,
406. S 78°09′23″W 18 feet, more or less, to the special meander corner for Section 1, T10S, R21E, SBM, as shown on the United States Bureau of Land Management plat accepted October, 1961; thence downstream along a fixed and limiting boundary of the herein described parcel, the following 21 courses:
407. S 11°50′34″E 659.97 feet to United States Bureau of Land Management monument AP 1
408. S 06°05′34″E 745.77 feet to United States Bureau of Land Management monument AP 2
409. S 00°09′26″W 461.98 feet to United States Bureau of Land Management monument AP 3

410. S 00°50′34″E 329.98 feet to United States Bureau of Land Management monument AP 4
411. S 03°20′26″W 454.72 feet to United States Bureau of Land Management monument AP 5
412. S 06°54′26″W 514.78 feet to United States Bureau of Land Management monument AP 6
413. S 34°39′26″W 257.39 feet to United States Bureau of Land Management monument AP 7
414. S 14°39′26″W 296.99 feet to United States Bureau of Land Management monument AP 8
415. S 42°54′26″W 567.57 feet to United States Bureau of Land Management monument AP 9
416. S 52°39′26″W 237.59 feet to United States Bureau of Land Management monument AP 10
417. S 36°54′26″W 389.38 feet to United States Bureau of Land Management monument AP 11
418. S 02°09′26″W 329.98 feet to United States Bureau of Land Management monument AP 12
419. S 11°39′26″W 356.38 feet to United States Bureau of Land Management monument AP 13
420. S 06°05′34″E 362.98 feet to United States Bureau of Land Management monument AP 14
421. S 15°20′34″E 448.78 feet to United States Bureau of Land Management monument AP 15

422. S 01°20′34″E 230.99 feet to United States Bureau of Land Management monument AP 16
423. S 20°24′26″W 428.98 feet to United States Bureau of Land Management monument AP 17
424. S 16°54′26″W 593.97 feet to United States Bureau of Land Management monument AP 18
425. S 27°39′26″W 415.78 feet to United States Bureau of Land Management monument AP 19
426. S 30°39′26″W 230.99 feet;
427. S 61°18′26″W 392.02 feet, to the Witness Point between Sections 12 and 13, T10S, R21E, SBM, as shown on said plat, accepted October, 1961; thence continuing downstream along a fixed and limiting boundary,
428. S 54°06′09″W 841 feet, more or less, to the Witness Point between Sections 13 and 14, T10S, R21E, SBM, as shown on said plat, accepted October, 1961; thence continuing downstream along a fixed and limiting boundary of the herein described parcel, the following two courses:
429. S 22°09′26″W 475.18 feet;
430. S 30°33′26″W 1207.08 feet, to the special meander corner on the extension of the East 1/16 line of Section 14, T10S, R21E, SBM, as shown on said plat, accepted October, 1961; thence,

431. S 44°09′26″W 1476.35 feet, to the special meander corner on the extension of the East-West center line of Section 14, T10S, R22E, SBM, as shown on said plat; thence continuing downstream along a fixed and limiting boundary of the herein described parcel, the following five courses:

432. S 48°39′26″W 950.36 feet;
433. S 07°24′26″W 329.98 feet;
434. S 38°54′26″W 475.18 feet;
435. S 07°24′26″W 600.57 feet;
436. S 06°56′34″E 441.52 feet, to the meander corner between Sections 14 and 23, T10S, R21E, SBM, as shown on said plat accepted October, 1961; thence,
437. N 83°03′26″E 14 feet, more or less, to a point having California Coordinate System, Zone 6 coordinates of x = 2,464,185.22 feet and y = 416,-378.36 feet; thence, continuing downstream along a fixed and limiting boundary the following ten courses:

438. S 22°59′42″E 50.57 feet;
439. S 05°35′47″W 53.42 feet;
440. S 19°17′00″E 81.15 feet;
441. S 28°44′01″E 98.45 feet;
442. S 46°12′44″E 89.91 feet;
443. S 00°54′42″E 38.96 feet;
444. S 38°36′29″E 57.16 feet;
445. S 70°24′21″E 91.28 feet;
446. S 23°37′13″E 89.57 feet;

447. S 32°17′14″E 170.27 feet, to a point having California Coordinate System, Zone 6 coordinates of x = 2,464,587.93 feet and y = 415,713.24 feet; thence,

448. S 22°34′09″E 73 feet, more or less, to a point being the northeasterly corner of Parcel 2, as said Parcel 2 is described in the deed recorded in Book 1423 of Official Records, page 1774, in the Office of the County Recorder of Imperial County, State of California; thence,

449. S 22°34′09″E 107 feet, more or less, to a point having California Coordinate System, Zone 6 coordinates of x = 2,464,656.97 feet and y = 415,547.13 feet; thence, the following 14 courses:

450. S 19°52′01″E 161.22 feet;
451. S 10°45′08″E 150.08 feet;
452. S 19°26′18″E 188.71 feet;
453. S 22°09′00″E 187.41 feet;
454. S 29°58′22″E 202.91 feet;
455. S 22°45′08″E 214.61 feet;
456. S 28°14′06″E 224.50 feet;
457. S 75°21′26″E 35.05 feet;
458. S 06°53′21″W 31.35 feet;
459. S 38°50′29″E 73.95 feet;
460. S 33°57′12″E 104.47 feet;
461. S 10°37′44″E 105.61 feet;
462. S 21°52′27″E 165.04 feet;

463. S 24°30′08″E 342.15 feet, to a point having California Coordinate System, Zone 6 coordinates of x = 2,465,521.55 feet and y = 413,572.51 feet; thence,

464. S 26°07′31″E 14 feet, more or less, to a point being the southeasterly corner of said Parcel 2; thence,

465. S 26°07′31″E 210 feet, more or less, to a point having California Coordinate System Zone 6 coordinates of x = 2,465,620.31 feet and y = 413,-371.14 feet; thence, the following 55 courses:

466. S 26°00′19″E 171.65 feet;
467. S 47°03′42″E 73.52 feet;
468. S 22°51′02″E 179.82 feet;
469. S 04°37′48″W 50.17 feet;
470. S 27°58′13″E 111.98 feet;
471. S 45°05′17″E 133.59 feet;
472. S 09°12′54″W 49.89 feet;
473. S 23°46′02″E 206.79 feet;
474. S 20°19′41″E 209.44 feet;
475. S 18°05′12″E 233.53 feet;
476. S 26°51′02″E 250.32 feet;
477. S 23°56′13″E 170.98 feet;
478. S 29°41′34″E 147.69 feet;
479. S 11°42′23″E 98.92 feet;
480. S 32°35′31″E 124.16 feet;
481. S 30°53′45″E 120.22 feet;
482. S 43°07′02″E 256.53 feet;
483. S 48°19′51″E 206.65 feet;
484. S 67°52′30″E 183.87 feet;
485. S 71°21′51″E 136.25 feet;
486. S 61°15′46″E 196.34 feet;

| | | | |
|---|---|---|---|
| 487. | S | 54°59′08″E | 212.50 feet; |
| 488. | S | 55°04′36″E | 191.73 feet; |
| 489. | S | 61°25′23″E | 161.91 feet; |
| 490. | S | 52°43′26″E | 189.29 feet; |
| 491. | S | 62°32′05″E | 229.42 feet; |
| 492. | S | 24°40′26″W | 24.12 feet; |
| 493. | S | 31°03′06″E | 16.75 feet; |
| 494. | N | 51°04′31″E | 31.74 feet; |
| 495. | S | 66°58′16″E | 156.62 feet; |
| 496. | S | 63°57′36″E | 190.86 feet; |
| 497. | S | 70°39′01″E | 283.46 feet; |
| 498. | S | 67°09′09″E | 279.07 feet; |
| 499. | N | 79°03′56″E | 50.29 feet; |
| 500. | S | 71°21′30″E | 97.26 feet; |
| 501. | S | 77°39′39″E | 196.21 feet; |
| 502. | S | 72°52′22″E | 211.00 feet; |
| 503. | S | 71°11′05″E | 169.14 feet; |
| 504. | N | 88°21′14″E | 132.27 feet; |
| 505. | S | 79°17′01″E | 190.11 feet; |
| 506. | S | 75°43′12″E | 311.68 feet; |
| 507. | S | 56°59′20″E | 47.28 feet; |
| 508. | N | 79°03′56″E | 33.53 feet; |
| 509. | S | 76°25′43″E | 351.79 feet; |
| 510. | S | 61°59′02″E | 99.95 feet; |
| 511. | S | 78°10′25″E | 224.11 feet; |
| 512. | S | 79°43′39″E | 181.74 feet; |
| 513. | S | 78°05′30″E | 151.35 feet; |
| 514. | S | 75°07′34″E | 191.59 feet; |
| 515. | S | 81°32′25″E | 212.22 feet; |
| 516. | S | 78°59′26″E | 180.24 feet; |
| 517. | S | 87°17′16″E | 140.12 feet; |
| 518. | S | 68°08′20″E | 87.47 feet; |
| 519. | N | 80°07′35″E | 83.57 feet; |

520. S 80°39′14″E 136.27 feet, to a point having California Coordinate System, Zone 6 coordinates of x = 2,472,454.64 feet and y = 409,154.43 feet; thence,

521. S 80°14′07″E 107 feet, more or less, to the true point for the meander corner of the westerly line of fractional Section 30, T10S, R22E, SBM, as said meander corner is shown on the United States Bureau of Land Management plat, accepted July, 1963; thence downstream along a fixed and limiting boundary of the herein described parcel, the following six courses:

522. S 79°30′46″E 676.47 feet;
523. S 78°54′46″E 609.81 feet;
524. S 69°05′46″E 277.19 feet;
525. S 75°51′46″E 209.87 feet;
526. S 64°51′46″E 317.45 feet;
527. S 71°28′46″E 374.20 feet, to the true point for the special meander corner at the termination of the division line in said Section 30, as shown on said plat; thence,
528. N 17°19′32″E 3 feet, more or less, to a point having California Coordinate System, Zone 6 coordinates of x = 2,474,929.38 feet and y = 408,-495.31 feet; thence the following 63 courses:

529. S 72°40′28″E 48.56 feet;
530. S 72°44′56″E 272.15 feet;
531. S 76°31′58″E 278.42 feet;

532. S 70°49′35″E 238.47 feet;
533. S 70°17′22″E 299.32 feet;
534. S 68°27′11″E 309.01 feet;
535. S 72°00′50″E 312.35 feet;
536. S 53°14′15″E 54.49 feet;
537. S 74°52′18″E 103.07 feet;
538. S 66°22′25″E 160.16 feet;
539. S 31°14′08″E 22.41 feet;
540. S 68°46′07″E 121.72 feet;
541. S 69°49′10″E 306.13 feet;
542. S 66°14′00″E 322.42 feet;
543. S 63°00′21″E 301.63 feet;
544. S 58°19′24″E 137.83 feet;
545. S 64°23′36″E 374.30 feet;
546. S 58°39′16″E 183.74 feet;
547. S 64°07′26″E 125.36 feet;
548. S 40°17′37″E 24.04 feet;
549. S 63°33′22″E 124.65 feet;
550. S 55°37′48″E 257.52 feet;
551. S 68°31′00″E 87.95 feet;
552. S 56°32′33″E 149.69 feet;
553. S 57°13′54″E 219.68 feet;
554. S 52°33′43″E 91.99 feet;
555. S 75°39′40″E 30.77 feet;
556. S 51°17′24″E 169.35 feet;
557. S 54°59′34″E 156.48 feet;
558. S 50°10′27″E 260.94 feet;
559. S 49°36′24″E 258.49 feet;
560. S 44°34′13″E 163.10 feet;
561. S 37°26′05″E 300.23 feet;
562. S 42°48′59″E 170.19 feet;
563. S 33°29′47″E 265.71 feet;
564. S 33°01′00″E 255.36 feet;
565. S 29°18′07″E 246.50 feet;
566. S 33°35′14″E 95.73 feet;

567. S 20°47′02″E 113.97 feet;
568. S 20°23′07″E 207.22 feet;
569. S 10°30′21″E 96.42 feet;
570. S 13°36′45″E 235.13 feet;
571. S 19°38′33″E 122.74 feet;
572. S 25°57′07″E 104.91 feet;
573. S 27°15′17″E 228.13 feet;
574. S 36°19′37″E 128.72 feet;
575. S 24°33′34″E 121.02 feet;
576. S 29°04′39″E 145.68 feet;
577. S 26°59′27″E 265.97 feet;
578. S 25°47′03″E 364.93 feet;
579. S 18°56′14″E 81.90 feet;
580. S 30°01′37″E 91.68 feet;
581. S 24°08′33″E 324.37 feet;
582. S 21°12′50″E 302.39 feet;
583. S 26°21′17″E 109.66 feet;
584. S 17°44′09″E 132.95 feet;
585. S 14°17′33″E 225.66 feet;
586. S 08°53′11″E 181.58 feet;
587. S 01°08′01″E 92.51 feet;
588. S 05°10′25″E 229.55 feet;
589. S 02°20′32″W 225.35 feet;
590. S 09°55′39″W 285.43 feet;
591. S 17°15′36″W 182.74 feet;
592. S 29°35′16″W 133.46 feet, to a point having California Coordinate System, Zone 6 coordinates of x = 2,482,137.72 feet and y = 400,326.43 feet; thence,
593. N 60°24′44″W 15 feet, more or less, to the meander corner between Section 32, T10S, R22E, SBM and Section 5, T11S, R22E, SBM, as shown on the United States Bureau of Land Management plat accepted May, 1962;

thence downstream along a fixed and limiting boundary of the herein described parcel, the following 21 courses:

594. S 44°08′31″W 270.48 feet;
595. S 61°23′31″W 738.88 feet;
596. S 64°38′31″W 263.88 feet;
597. S 67°38′31″W 402.42 feet;
598. S 54°38′31″W 296.87 feet;
599. S 47°53′31″W 257.28 feet;
600. S 42°23′31″W 527.76 feet;
601. S 44°53′31″W 329.85 feet;
602. S 34°23′31″W 250.69 feet;
603. S 49°38′31″W 659.70 feet;
604. S 52°23′31″W 323.25 feet;
605. S 58°23′31″W 415.61 feet;
606. S 56°08′31″W 171.52 feet;
607. S 59°34′31″W 286.31 feet;
608. S 57°08′31″W 125.34 feet;
609. S 63°53′31″W 369.43 feet;
610. S 38°08′31″W 765.25 feet;
611. S 15°36′29″E 237.49 feet;
612. S 21°21′29″E 435.40 feet;
613. S 11°06′29″E 316.66 feet;
614. S 22°35′29″E 625 feet, more or less, to the true point for the meander corner between Sections 6 and 7, T11S, R22E, SBM, as shown on said plat; thence
615. N 65°19′54″E 15 feet, more or less, to a point having California Coordinate System, Zone 6 coordinates of x = 2,477,639.57 feet and y = 394,914.38 feet; thence the following 75 courses:

616. S 24°40′06″E 15.23 feet;
617. S 30°48′33″E 201.41 feet;
618. S 32°35′32″E 240.99 feet;
619. S 41°33′23″E 64.16 feet;
620. S 06°27′39″E 41.95 feet;
621. S 44°47′21″E 42.30 feet;
622. S 31°10′03″E 290.43 feet;
623. S 30°20′17″E 193.21 feet;
624. S 35°31′37″E 230.58 feet;
625. S 33°32′33″E 109.82 feet;
626. S 31°07′03″E 291.64 feet;
627. S 35°58′44″E 110.62 feet;
628. S 29°31′41″E 141.28 feet;
629. S 36°50′40″E 193.40 feet;
630. S 49°35′07″E 90.66 feet;
631. S 30°07′37″E 233.52 feet;
632. S 31°53′02″E 251.15 feet;
633. S 36°13′48″E 203.04 feet;
634. S 46°06′54″E 83.21 feet;
635. S 71°32′41″E 26.63 feet;
636. S 37°18′41″E 91.38 feet;
637. S 34°03′47″E 113.30 feet;
638. S 26°18′12″E 105.77 feet;
639. S 41°04′58″E 109.72 feet;
640. S 31°06′48″E 112.40 feet;
641. S 44°54′33″E 116.06 feet;
642. S 26°40′57″W 28.35 feet;
643. S 33°31′01″E 219.44 feet;
644. S 44°43′41″E 147.52 feet;
645. S 35°46′12″E 92.93 feet;
646. S 40°14′44″E 131.38 feet;
647. S 07°04′43″W 41.30 feet;
648. S 69°06′50″E 25.81 feet;
649. S 38°04′24″E 119.03 feet;
650. S 42°30′44″E 98.39 feet;

651. S 31°35′31″E 120.76 feet;
652. S 34°30′30″E 195.40 feet;
653. S 28°01′14″E 117.07 feet;
654. S 32°38′46″E 156.49 feet;
655. S 11°54′21″E 34.12 feet;
656. S 39°20′10″E 130.18 feet;
657. S 34°12′23″E 153.60 feet;
658. S 21°29′38″E 46.34 feet;
659. S 47°44′29″E 81.61 feet;
660. S 30°52′09″E 78.84 feet;
661. S 57°36′19″E 106.99 feet;
662. S 37°14′12″E 256.55 feet;
663. S 39°58′33″E 258.69 feet;
664. S 45°46′13″E 91.01 feet;
665. S 31°33′36″E 94.10 feet;
666. S 57°50′57″W 26.33 feet;
667. S 07°09′59″E 20.60 feet;
668. S 78°52′10″E 63.92 feet;
669. S 07°28′16″E 22.99 feet;
670. S 32°48′30″E 160.95 feet;
671. S 24°10′21″E 195.83 feet;
672. S 30°32′33″E 247.57 feet;
673. S 31°56′13″E 71.89 feet;
674. S 03°23′22″E 32.31 feet;
675. S 32°31′22″E 188.29 feet;
676. S 28°02′01″E 196.47 feet;
677. S 18°34′38″E 110.90 feet;
678. S 11°10′23″E 66.47 feet;
679. S 33°58′06″E 59.38 feet;
680. S 02°15′15″W 31.52 feet;
681. S 27°25′03″E 115.12 feet;
682. S 19°18′42″E 76.05 feet;
683. S 01°27′20″E 26.77 feet;
684. S 17°11′36″E 236.98 feet;
685. S 10°46′23″E 62.38 feet;

686. S 18°31′39″E 99.70 feet;
687. S 21°27′16″E 182.39 feet;
688. S 48°21′04″E 40.40 feet;
689. S 07°51′38″W 195.38 feet;
690. S 09°17′17″W 123.85 feet, to a point having California Coordinate System, Zone 6 coordinates of x = 2,482,240.84 feet and y = 387,264.05 feet as said point is shown on the Davis Lake Area Project Administrative Maps, hereinbefore described; thence,
691. S 77°38′10″E 213.25 feet, to a point on the center line of the former channel of the Colorado River, said point also being the point of beginning of the herein described parcel of land.

Bearings and distances in the above description are based on the California Coordinate System, Zone 6.

## EXHIBIT "B"

A parcel of land in the former channel of the Colorado River in Imperial County, California, and Yuma County, Arizona, adjacent to Township 1 South, Range 24 West, Gila and Salt River Meridian; Township 2 South, Range 24 West, Gila and Salt River Meridian; Township 2 South, Range 23 West, Gila and Salt River Meridian, more particularly described as follows:

BEGINNING at a point on the center line of the former channel of the Colorado River having California Coordinate System, Zone 6, coordinates of x = 2,482,449.14 feet and y = 387,-218.39 feet, from which United States Water and Power Resources Service (formerly United States Bureau of Reclamation) Station RUIN bears N 56°27′07″E 733.37 feet, as said points are shown on the map entitled, "Davis Lake Area Project Administrative Maps", said map approved October 28, 1976 by the California State Lands Commission, and being on file at the o..ices of said Commission in Sacramento, California; thence from said point of beginning, upstream along the center line of the former channel of the Colorado River, said center line being a fixed and limiting boundary of the herein described parcel, the following 377 courses:

1. N 06°11′02″E 91.76 feet;
2. N 54°12′32″E 18.78 feet;
3. N 12°45′10″E 174.75 feet;
4. N 12°53′00″W 103.53 feet;
5. N 05°09′17″W 146.10 feet;
6. N 13°58′10″E 87.64 feet;
7. N 05°10′13″W 66.53 feet;

8. N 23°31′10″E 26.95 feet;
9. N 36°32′17″E 111.82 feet;
10. N 19°17′18″W 275.69 feet;
11. N 04°49′28″W 45.39 feet;
12. N 25°30′26″W 64.01 feet;
13. N 21°45′19″W 170.09 feet;
14. N 02°16′16″E 15.76 feet;
15. N 26°25′14″W 142.77 feet;
16. N 19°59′28″W 151.68 feet;
17. N 32°00′03″W 345.18 feet;
18. N 03°24′14″W 16.15 feet;
19. N 34°25′41″W 352.66 feet;
20. N 30°34′31″W 260.03 feet;
21. N 36°46′58″W 310.64 feet;
22. N 41°48′53″W 306.12 feet;
23. N 40°25′19″W 290.08 feet;
24. N 44°30′49″W 169.94 feet;
25. N 30°52′29″W 39.42 feet;
26. N 47°44′12″W 40.80 feet;
27. N 21°30′40″W 23.17 feet;
28. N 34°34′58″W 209.82 feet;
29. N 34°44′50″W 317.95 feet;
30. N 34°44′47″W 291.32 feet;
31. N 37°31′17″W 279.41 feet;
32. N 36°05′21″W 275.56 feet;
33. N 37°39′47″W 240.96 feet;
34. N 32°03′44″W 164.74 feet;
35. N 26°41′11″E 14.17 feet;
36. N 37°08′14″W 33.36 feet;
37. N 35°36′16″W 86.74 feet;
38. N 39°41′49″W 66.46 feet;
39. N 37°12′59″W 163.13 feet;
40. N 28°19′51″W 220.22 feet;
41. N 34°33′42″W 149.82 feet;
42. N 39°16′54″W 17.91 feet;

43. N 46°59′54″W 65.69 feet;
44. N 36°45′41″W 175.14 feet;
45. N 30°48′13″W 247.89 feet;
46. N 35°33′18″W 233.54 feet;
47. N 42°45′30″W 301.59 feet;
48. N 29°31′50″W 70.64 feet;
49. N 39°15′12″W 181.84 feet;
50. N 34°08′26″W 287.28 feet;
51. N 36°56′15″W 341.54 feet;
52. N 33°51′40″W 248.93 feet;
53. N 30°53′53″W 227.36 feet;
54. N 28°52′32″W 133.47 feet;
55. N 41°33′10″W 32.08 feet;
56. N 32°30′33″W 214.79 feet;
57. N 32°47′41″W 159.63 feet;
58. N 41°44′15″W 149.07 feet;
59. N 51°38′10″W 15.67 feet;
60. N 29°44′55″W 238.30 feet;
61. N 25°49′43″W 111.43 feet;
62. N 09°13′34″W 69.07 feet;
63. N 21°53′52″W 147.48 feet;
64. N 65°05′19″W 9.15 feet;
65. N 32°30′38″W 38.27 feet;
66. N 21°01′27″W 83.19 feet;
67. N 10°39′51″E 44.53 feet;
68. N 02°15′38″W 45.67 feet;
69. N 44°22′08″W 27.00 feet;
70. N 20°34′25″W 93.00 feet;
71. N 18°23′16″W 48.78 feet;
72. N 16°26′02″W 95.55 feet;
73. N 04°26′34″W 49.11 feet;
74. N 08°54′12″W 109.59 feet;
75. N 45°00′45″W 15.45 feet;
76. N 15°52′18″W 46.11 feet;
77. N 23°50′06″E 50.55 feet;

78. N 06°27′18″W 28.68 feet;
79. N 29°30′20″W 14.62 feet;
80. N 15°29′04″E 39.92 feet;
81. N 28°23′27″E 42.72 feet;
82. N 23°04′47″E 132.80 feet;
83. N 47°17′33″E 256.34 feet;
84. N 48°40′23″E 89.15 feet;
85. N 52°50′14″E 286.63 feet;
86. N 59°57′29″E 156.23 feet;
87. N 62°51′03″E 103.67 feet;
88. N 60°52′13″E 166.51 feet;
89. N 57°00′27″E 53.17 feet;
90. N 57°43′27″E 326.93 feet;
91. N 68°38′25″E 38.74 feet;
92. N 45°44′50″E 25.05 feet;
93. N 60°53′25″E 148.11 feet;
94. N 52°28′50″E 136.72 feet;
95. N 53°48′33″E 194.46 feet;
96. N 53°11′16″E 49.55 feet;
97. N 80°15′07″E 22.12 feet;
98. N 50°13′23″E 181.66 feet;
99. N 69°57′50″E 40.08 feet;
100. N 34°56′12″E 24.41 feet;
101. N 50°47′14″E 202.15 feet;
102. N 61°59′40″E 50.34 feet;
103. N 47°49′50″E 49.76 feet;
104. N 48°09′42″E 163.97 feet;
105. N 50°09′37″E 112.15 feet;
106. N 27°22′23″E 134.94 feet;
107. N 47°51′44″E 124.47 feet;
108. N 46°01′44″E 142.53 feet;
109. N 39°04′50″E 180.94 feet;
110. N 45°09′21″E 189.68 feet;
111. N 39°57′52″E 156.08 feet;
112. N 43°26′27″E 199.19 feet;

| | | |
|---|---|---|
| 113. | N 52°12′27″E | 221.41 feet; |
| 114. | N 50°29′55″E | 152.42 feet; |
| 115. | N 52°54′27″E | 179.48 feet; |
| 116. | N 62°15′35″E | 213.37 feet; |
| 117. | N 68°45′32″E | 55.26 feet; |
| 118. | N 67°29′40″E | 76.60 feet; |
| 119. | N 65°41′07″E | 165.43 feet; |
| 120. | N 67°14′09″E | 294.39 feet; |
| 121. | N 64°24′36″E | 128.78 feet; |
| 122. | N 53°03′32″E | 106.15 feet; |
| 123. | N 70°17′39″E | 35.29 feet; |
| 124. | N 73°29′13″E | 147.47 feet; |
| 125. | N 59°19′13″E | 74.01 feet; |
| 126. | N 30°28′52″E | 18.53 feet; |
| 127. | N 60°22′22″E | 71.20 feet; |
| 128. | N 18°45′56″E | 28.50 feet; |
| 129. | N 39°20′12″E | 181.32 feet; |
| 130. | N 15°18′44″E | 22.87 feet; |
| 131. | N 34°48′05″E | 113.34 feet; |
| 132. | N 01°37′33″E | 25.20 feet; |
| 133. | N 20°03′20″E | 279.59 feet; |
| 134. | N 08°48′55″E | 494.65 feet; |
| 135. | N 06°07′16″W | 329.64 feet; |
| 136. | N 01°08′01″W | 46.25 feet; |
| 137. | N 12°04′58″W | 216.22 feet; |
| 138. | N 02°16′55″E | 41.56 feet; |
| 139. | N 12°25′25″W | 199.17 feet; |
| 140. | N 27°14′52″W | 38.46 feet; |
| 141. | N 20°48′06″W | 242.26 feet; |
| 142. | N 19°51′45″W | 337.38 feet; |
| 143. | N 24°07′19″W | 226.77 feet; |
| 144. | N 27°31′47″W | 169.08 feet; |
| 145. | N 25°20′37″W | 190.07 feet; |
| 146. | N 27°40′18″W | 329.72 feet; |
| 147. | N 28°56′10″W | 330.72 feet; |

148. N 24°33′34″W 60.51 feet;
149. N 29°27′35″W 208.29 feet;
150. N 28°05′26″W 247.46 feet;
151. N 23°44′10″W 163.83 feet;
152. N 13°09′48″W 254.49 feet;
153. N 19°22′18″W 307.39 feet;
154. N 21°47′25″W 159.63 feet;
155. N 30°33′33″W 99.94 feet;
156. N 29°12′13″W 207.55 feet;
157. N 31°55′33″W 235.86 feet;
158. N 28°51′47″W 106.13 feet;
159. N 36°40′00″W 174.32 feet;
160. N 02°47′21″E 19.11 feet;
161. N 43°43′57″W 240.40 feet;
162. N 41°01′16″W 304.70 feet;
163. N 46°54′46″W 122.65 feet;
164. N 40°49′49″W 90.29 feet;
165. N 51°59′40″W 174.20 feet;
166. N 44°21′26″W 78.79 feet;
167. N 54°41′29″W 220.08 feet;
168. N 53°16′11″W 329.75 feet;
169. N 61°51′41″W 110.58 feet;
170. N 52°54′43″W 215.67 feet;
171. N 58°08′36″W 153.28 feet;
172. N 59°29′55″W 174.49 feet;
173. N 56°21′47″W 191.68 feet;
174. S 89°23′45″W 20.87 feet;
175. N 62°40′51″W 144.58 feet;
176. N 60°27′35″W 329.61 feet;
177. N 58°43′43″W 350.72 feet;
178. N 49°48′54″W 206.44 feet;
179. N 71°14′37″W 266.43 feet;
180. N 67°56′20″W 72.52 feet;
181. N 64°05′13″W 230.11 feet;
182. N 68°36′52″W 337.96 feet;

183. N 68°46′07″W 60.86 feet;
184. N 57°31′28″W 62.02 feet;
185. N 69°12′17″W 194.71 feet;
186. N 74°52′18″W 51.54 feet;
187. N 60°10′12″W 91.32 feet;
188. N 72°23′57″W 284.72 feet;
189. N 66°43′26″W 289.75 feet;
190. N 71°49′29″W 317.90 feet;
191. N 69°12′03″W 238.91 feet;
192. N 64°15′14″W 72.27 feet;
193. S 65°27′32″W 40.27 feet;
194. N 74°15′53″W 194.46 feet;
195. N 73°49′49″W 290.50 feet;
196. N 72°33′14″W 374.10 feet;
197. N 67°46′21″W 342.36 feet;
198. N 57°56′05″W 76.94 feet;
199. N 87°47′11″W 87.90 feet;
200. N 72°42′55″W 288.96 feet;
201. N 71°19′03″W 300.30 feet;
202. N 80°29′32″W 203.62 feet;
203. S 89°12′33″W 61.22 feet;
204. N 70°29′19″W 104.61 feet;
205. N 79°25′58″W 67.02 feet;
206. N 80°35′31″W 373.72 feet;
207. N 80°52′09″W 380.68 feet;
208. N 77°30′29″W 200.60 feet;
209. S 80°07′35″W 41.78 feet;
210. N 68°08′20″W 43.73 feet;
211. N 82°47′20″W 337.50 feet;
212. N 78°02′35″W 194.88 feet;
213. N 77°39′54″W 170.67 feet;
214. N 77°07′59″W 330.55 feet;
215. N 79°02′44″W 201.15 feet;
216. N 70°18′48″W 173.92 feet;
217. N 78°14′27″W 273.38 feet;

218. N 86°10′16″W 121.38 feet;
219. N 56°59′20″W 23.64 feet;
220. N 77°12′59″W 426.70 feet;
221. N 83°15′03″W 185.75 feet;
222. N 73°51′47″W 182.15 feet;
223. N 71°13′45″W 167.21 feet;
224. S 75°37′59″W 30.89 feet;
225. N 71°33′44″W 234.05 feet;
226. N 80°43′52″W 137.24 feet;
227. N 69°41′51″W 273.22 feet;
228. N 70°43′07″W 254.91 feet;
229. N 66°56′08″W 301.42 feet;
230. N 63°53′15″W 256.28 feet;
231. N 58°33′26″W 202.83 feet;
232. N 61°51′11″W 184.76 feet;
233. N 52°03′07″W 236.22 feet;
234. N 59°50′41″W 424.43 feet;
235. N 57°02′33″W 230.68 feet;
236. N 48°19′51″W 103.33 feet;
237. N 40°22′48″W 238.16 feet;
238. N 27°29′10″W 445.07 feet;
239. N 27°28′12″W 417.56 feet;
240. N 23°53′28″W 462.72 feet;
241. N 20°07′44″W 182.40 feet;
242. N 02°09′48″W 110.47 feet;
243. N 45°05′17″W 66.80 feet;
244. N 24°47′08″W 167.79 feet;
245. N 04°37′48″E 25.09 feet;
246. N 25°09′10″W 194.51 feet;
247. N 47°03′42″W 36.76 feet;
248. N 23°12′08″W 208.06 feet;
249. N 31°51′35″W 213.36 feet;
250. N 25°18′01″W 275.95 feet;
251. N 22°57′02″W 335.59 feet;
252. N 35°58′44″W 89.13 feet;

253. N 24°17′16″W 160.88 feet;
254. N 75°21′26″W 17.52 feet;
255. N 27°01′17″W 188.36 feet;
256. N 13°08′58″W 227.87 feet;
257. N 40°21′42″W 136.76 feet;
258. N 24°24′56“W 197.69 feet;
259. N 23°37′41″W 184.07 feet;
260. N 26°21′53″W 373.91 feet;
261. N 30°13′30″W 285.83 feet;
262. N 23°37′13″W 44.79 feet;
263. N 32°55′17″W 111.43 feet;
264. N 70°24′21″W 45.64 feet;
265. N 38°36′29″W 28.58 feet;
266. N 27°45′40″W 98.67 feet;
267. N 46°12′44″W 44.96 feet;
268. N 24°49′30″W 178.43 feet;
269. N 05°35′47″E 26.71 feet;
270. N 22°59′42″W 38.82 feet;
271. N 10°02′49″E 30.61 feet;
272. N 19°34′05″W 114.65 feet;
273. N 05°33′59″E 13.45 feet;
274. N 12°59′57″W 110.34 feet;
275. N 01°10′59″E 216.95 feet;
276. N 07°13′33″E 110.78 feet;
277. N 06°00′55″E 131.88 feet;
278. N 12°01′16″E 173.06 feet;
279. N 04°06′19″W 44.77 feet;
280. N 34°06′19″E 126.69 feet;
281. N 40°46′38″E 329.61 feet;
282. N 27°01′26″E 173.94 feet;
283. N 46°34′13″E 311.34 feet;
284. N 46°36′53″E 361.75 feet;
285. N 57°24′33″E 118.71 feet;
286. N 52°19′49″E 242.35 feet;
287. N 47°03′21″E 177.59 feet;

288. N 52°11′08″E 276.80 feet;
289. N 52°23′33″E 387.60 feet;
290. N 39°39′32″E 300.47 feet;
291. N 24°24′38″E 351.30 feet;
292. N 18°55′03″E 170.32 feet;
293. N 16°04′01″E 220.64 feet;
294. N 27°29′02″E 177.93 feet;
295. N 33°39′19″E 182.00 feet;
296. N 44°33′29″E 266.80 feet;
297. N 37°44′11″E 162.18 feet;
298. N 39°45′24″E 191.62 feet;
299. N 44°11′35″E 141.82 feet;
300. N 49°35′13″E 289.05 feet;
301. N 67°47′17″E 434.12 feet;
302. N 50°05′56″E 187.21 feet;
303. N 53°46′23″E 313.82 feet;
304. N 57°52′30″E 229.52 feet;
305. N 34°44′43″E 240.98 feet;
306. N 13°51′35″E 139.72 feet;
307. N 30°29′51″E 218.39 feet;
308. N 09°00′09″E 310.43 feet;
309. N 03°29′17″E 364.22 feet;
310. N 21°07′35″E 112.02 feet;
311. N 25°42′13″E 133.57 feet;
312. N 45°58′18″E 53.38 feet;
313. N 60°19′59″E 51.98 feet;
314. N 37°15′32″E 182.58 feet;
315. N 15°23′58″E 83.49 feet;
316. N 15°42′01″E 261.08 feet;
317. N 36°24′20″W 51.58 feet;
318. N 15°15′01″E 196.32 feet;
319. N 13°42′25″W 206.28 feet;
320. N 32°40′58″E 42.13 feet;
321. N 32°31′26″E 214.62 feet;
322. N 44°06′21″E 17.67 feet;

323. N 30°59′00″E 115.35 feet;
324. N 25°35′07″E 44.46 feet;
325. N 18°27′29″E 109.88 feet;
326. N 22°50′29″E 131.46 feet;
327. N 05°32′17″E 162.37 feet;
328. N 01°04′56″W 188.48 feet;
329. N 08°30′21″W 126.56 feet;
330. N 16°47′18″E 224.07 feet;
331. N 30°43′44″E 88.32 feet;
332. N 41°35′58″E 181.80 feet;
333. N 41°26′54″E 4.11 feet;
334. N 62°19′06″E 53.47 feet;
335. N 42°17′15″E 75.16 feet;
336. N 42°33′08″E 98.01 feet;
337. N 14°53′12″E 16.50 feet;
338. N 05°14′15″W 25.31 feet;
339. N 39°32′31″E 98.80 feet;
340. N 04°53′40″W 145.92 feet;
341. N 09°04′54″E 362.65 feet;
342. N 14°50′01″E 304.17 feet;
343. N 01°28′58″E 71.48 feet;
344. N 02°08′33″E 176.53 feet;
345. N 01°57′51″W 319.75 feet;
346. N 01°20′24″W 243.11 feet;
347. N 09°08′02″E 139.88 feet;
348. N 13°07′32″W 209.36 feet;
349. N 06°26′13″W 175.51 feet;
350. N 05°37′45″W 293.41 feet;
351. N 06°34′59″W 217.59 feet;
352. N 07°47′48″W 290.66 feet;
353. N 10°41′30″W 267.70 feet;
354. N 04°47′01″W 72.08 feet;
355. N 14°28′47″W 234.20 feet;
356. N 00°19′43″W 116.62 feet;
357. N 07°44′46″W 279.97 feet;

358. N 11°32′18″W 356.71 feet;
359. N 11°07′49″W 213.28 feet;
360. N 14°30′09″W 272.42 feet;
361. N 06°36′37″W 286.80 feet;
362. N 08°28′38″W 238.45 feet;
363. N 17°03′40″W 151.67 feet;
364. N 09°18′29″W 342.55 feet;
365. N 14°40′23″W 256.29 feet;
366. N 14°18′03″W 363.43 feet;
367. N 11°45′38″E 206.67 feet;
368. N 41°54′52″E 321.85 feet;
369. N 63°25′44″E 273.18 feet;
370. S 74°04′12″E 474.64 feet;
371. N 88°03′52″E 416.71 feet;
372. S 66°20′00″E 572.97 feet;
373. S 80°24′37″E 222.10 feet;
374. S 89°46′40″E 349.53 feet;
375. N 82°26′19″E 391.23 feet;
376. N 66°00′59″E 497.08 feet;
377. N 58°38′57″E 276.46 feet to a standard California State Lands Commission brass tablet set in concrete stamped "N-MID-CAL 1981" having California Coordinate System, Zone 6 coordinates of x = 2,472,838.61 feet and y = 432,666.01 feet, said tablet being located on the westerly boundary of the parcels of land taken by condemnation in *United States* v. *243.25 Acres of Land*, Civil No. 3505-SD-Smith (S.D. Cal. 1973) and *United States* v. *67.57 Acres of Land*, Civil No. 5925-Phx-Craig (D. Ariz. 1972); thence leaving said centerline of the former channel,

378. Southwesterly 279.92 feet along said westerly boundary, being a fixed and limiting boundary of the herein described parcel, on the arc of a curve, concave westerly, having a radius of 15,350 feet, to a point on said curve subtended by a chord which bears S 07° 53′ 20″ W 279.92 feet, said point being monumented with a standard California State Lands Commission brass tablet set in concrete, stamped "N-LB ARIZ 1981", having California Coordinate System Zone 6 coordinates of x = 2,472,800.19 feet and y = 432,388.74 feet, from which California State Lands Commission Monument "PI-14" bears N 18°47′ 54″E 1151.11 feet, as said monument is shown on said map, also from which said brass tablet, the section corner common to Sections 11, 12, 13 and 14, T1S, R24W, G&SRM, as shown on the United States Bureau of Land Management plat, accepted August, 1961, bears N 71°55′49″E 1611.90 feet; thence downstream along a fixed and limiting boundary of the herein described parcel, the following 451 courses:

379. S 58°45′19″W 85.58 feet;
380. S 67°38′56″W 249.89 feet;
381. S 63°43′57″W 155.84 feet;
382. S 72°16′06″W 184.20 feet;
383. S 78°34′43″W 146.14 feet;
384. S 83°53′41″W 329.27 feet;

385. S 88°37′43″W 388.16 feet;
386. N 86°25′25″W 240.47 feet;
387. N 76°32′50″W 213.20 feet;
388. N 68°55′05″W 287.46 feet;
389. N 78°03′34″W 361.78 feet;
390. N 69°59′22″W 469.15 feet;
391. S 72°10′47″W 102.57 feet;
392. S 47°23′09″W 101.91 feet;
393. S 25°37′19″W 108.69 feet;
394. S 13°06′59″W 105.76 feet;
395. S 03°21′59″W 102.18 feet;
396. S 03°38′10″E 299.60 feet;
397. S 04°11′06″E 205.55 feet;
398. S 12°23′07″E 303.05 feet;
399. S 17°03′40″E 303.35 feet;
400. S 12°44′31″E 204.03 feet;
401. S 04°29′08″E 249.21 feet;
402. S 16°06′43″E 236.71 feet;
403. S 12°58′58″E 210.41 feet;
404. S 12°25′06″E 194.47 feet;
405. S 10°36′11″E 198.69 feet;
406. S 02°21′08″E 229.51 feet;
407. S 00°19′45″E 233.24 feet;
408. S 24°35′43″E 164.99 feet;
409. S 04°46′58″E 144.16 feet;
410. S 15°05′56″E 182.16 feet;
411. S 08°41′35″E 284.96 feet;
412. S 09°40′02″E 222.06 feet;
413. S 08°33′33″E 174.90 feet;
414. S 06°47′07″E 173.17 feet;
415. S 21°34′13″E 97.08 feet;
416. S 09°32′18″E 99.27 feet;
417. S 24°41′06″E 123.51 feet;
418. S 25°41′09″E 101.42 feet;
419. S 02°05′30″W 53.98 feet;

420. S 15°33′52″W 92.95 feet;
421. S 09°09′15″E 82.85 feet;
422. S 08°35′15″E 141.17 feet;
423. S 13°23′46″E 119.17 feet;
424. S 10°02′38″E 108.20 feet;
425. S 04°57′17″E 119.26 feet;
426. S 04°37′53″W 165.58 feet;
427. S 01°28′59″W 142.97 feet;
428. S 05°49′59″E 252.68 feet;
429. S 02°44′42″W 292.34 feet;
430. S 08°15′47″W 182.68 feet;
431. S 27°44′21″E 221.17 feet;
432. S 08°46′04″E 26.18 feet;
433. S 05°13′42″E 50.59 feet;
434. S 14°50′39″W 33.02 feet;
435. S 40°43′36″W 53.52 feet;
436. S 52°19′09″W 120.67 feet;
437. S 62°19′06″W 106.94 feet;
438. S 41°26′32″W 8.20 feet;
439. S 17°30′03″W 132.09 feet;
440. S 02°00′03″E 55.56 feet;
441. S 19°15′22″E 191.76 feet;
442. S 11°53′15″E 173.16 feet;
443. S 02°12′11″E 241.66 feet;
444. S 05°28′02″W 217.06 feet;
445. S 23°06′41″W 180.17 feet;
446. S 37°57′30″W 148.76 feet;
447. S 48°45′25″W 164.55 feet;
448. S 59°11′34″W 325.33 feet;
449. S 42°48′13″W 21.79 feet;
450. S 25°17′54″W 317.81 feet;
451. S 16°55′02″W 342.44 feet;
452. S 32°06′35″W 23.87 feet;
453. S 49°38′48″W 276.68 feet;
454. S 60°19′46″W 103.98 feet;

455. S 79°56′36″W 63.64 feet;
456. S 44°01′44″W 74.60 feet;
457. S 20°55′28″W 109.20 feet;
458. S 03°28′57″E 140.43 feet;
459. S 06°05′54″E 345.74 feet;
460. S 06°05′48″E 345.75 feet;
461. S 32°34′17″W 168.48 feet;
462. S 17°35′41″W 166.14 feet;
463. S 30°06′42″W 61.23 feet;
464. S 41°41′34″W 226.03 feet;
465. S 44°35′14″W 145.30 feet;
466. S 40°34′00″W 111.05 feet;
467. S 40°02′55″W 123.14 feet;
468. S 46°00′59″W 122.79 feet;
469. S 44°26′16″W 108.84 feet;
470. S 52°56′12″W 268.39 feet;
471. S 56°42′26″W 131.24 feet;
472. S 55°42′54″W 168.79 feet;
473. S 56°00′39″W 106.77 feet;
474. S 57°12′12″W 100.69 feet;
475. S 53°12′11″W 102.19 feet;
476. S 63°09′46″W 73.41 feet;
477. N 86°34′07″W 93.90 feet;
478. N 76°12′12″W 96.24 feet;
479. S 89°11′29″W 113.37 feet;
480. S 88°17′58″W 70.09 feet;
481. S 69°16′43″W 95.27 feet;
482. S 57°49′20″W 110.66 feet;
483. S 53°52′23″W 105.21 feet;
484. S 59°36′59″W 85.89 feet;
485. S 39°47′16″W 66.47 feet;
486. S 28°33′56″W 87.75 feet;
487. S 19°05′09″W 100.22 feet;
488. S 15°01′54″W 240.95 feet;
489. S 10°51′19″W 104.77 feet;

490. S 11°10′21″W 138.06 feet;
491. S 14°35′32″W 117.73 feet;
492. S 17°19′33″W 118.13 feet;
493. S 27°00′27″W 66.02 feet;
494. S 28°24′12″E 20.08 feet;
495. N 42°15′47″E 72.71 feet;
496. N 27°42′21″E 89.63 feet;
497. N 36°57′39″E 64.31 feet;
498. S 73°25′21″E 9.46 feet;
499. S 23°44′15″W 68.54 feet;
500. S 14°55′55″W 62.83 feet;
501. S 84°04′41″E 50.69 feet;
502. N 39°32′11″E 43.59 feet;
503. N 38°42′57″E 75.00 feet;
504. N 43°37′10″E 75.44 feet;
505. S 80°27′48″E 36.76 feet;
506. S 16°08′24″W 54.18 feet;
507. S 39°09′54″W 55.09 feet;
508. S 55°13′47″W 240.09 feet;
509. S 61°00′14″W 119.77 feet;
510. S 47°05′24″W 184.98 feet;
511. S 50°31′57″W 139.06 feet;
512. S 56°24′25″W 134.18 feet;
513. S 47°51′53″W 64.94 feet;
514. S 53°44′41″W 187.16 feet;
515. S 42°41′39″W 144.82 feet;
516. S 57°48′44″W 184.91 feet;
517. S 35°01′21″W 83.01 feet;
518. S 51°53′22″W 113.06 feet;
519. S 53°59′07″W 172.04 feet;
520. S 81°05′34″W 63.29 feet;
521. S 43°10′48″W 160.09 feet;
522. S 42°26′51″W 179.10 feet;
523. S 46°56′20″W 183.28 feet;
524. S 56°40′44″W 161.91 feet;

525. S 51°16′52″W 186.33 feet;
526. S 41°35′43″W 305.77 feet;
527. S 36°14′42″W 134.77 feet;
528. S 10°29′41″W 125.84 feet;
529. S 11°13′27″W 129.77 feet;
530. S 03°06′22″W 118.29 feet;
531. S 04°47′52″W 141.08 feet;
532. S 08°24′44″E 142.73 feet;
533. S 16°31′56″E 153.72 feet;
534. S 25°11′16″E 177.87 feet;
535. S 33°56′20″E 163.53 feet;
536. S 32°55′17″E 222.86 feet;
537. S 34°47′40″E 223.93 feet;
538. S 32°55′29″E 259.90 feet;
539. S 35°14′17″E 189.13 feet;
540. S 28°00′33″E 180.47 feet;
541. S 26°27′16″E 208.25 feet;
542. S 86°56′59″E 40.22 feet;
543. S 49°24′43″E 46.88 feet;
544. S 04°48′27″E 246.76 feet;
545. S 16°25′25″E 122.09 feet;
546. S 55°46′43″E 36.79 feet;
547. S 27°26′13″E 295.40 feet;
548. S 28°59′05″E 221.60 feet;
549. S 23°41′06″E 182.64 feet;
550. S 26°36′06″E 209.83 feet;
551. S 38°08′33″E 204.79 feet;
552. S 21°14′14″E 244.82 feet;
553. S 27°07′44″E 209.48 feet;
554. S 23°11′36″E 223.85 feet;
555. S 05°26′18″E 172.31 feet;
556. S 15°23′38″E 158.97 feet;
557. S 24°17′06″E 143.43 feet;
558. S 29°51′56″E 342.49 feet;
559. S 27°13′56″E 207.02 feet;
560. S 31°21′49″E 207.64 feet;

561. S 31°36′06″E 259.29 feet;
562. S 21°21′03″E 145.90 feet;
563. S 37°11′38″E 220.43 feet;
564. S 50°01′34″E 282.89 feet;
565. S 50°01′49″E 399.67 feet;
566. S 61°37′46″E 190.63 feet;
567. S 62°11′18″E 207.62 feet;
568. S 63°36′57″E 218.19 feet;
569. S 66°05′47″E 255.33 feet;
570. S 69°08′03″E 255,80 feet;
571. S 70°48′14″E 226.37 feet;
572. S 72°20′56″E 267.92 feet;
573. S 76°21′40″E 227.95 feet;
574. S 64°54′34″E 176.94 feet;
575. N 75°37′59″E 61.78 feet;
576. S 68°25′23″E 123.64 feet;
577. S 76°10′47″E 195.50 feet;
578. S 78°39′45″E 241.42 feet;
579. S 76°15′18″E 179.92 feet;
580. S 78°38′58″E 171.99 feet;
581. S 83°50′42″E 210.50 feet;
582. S 81°30′12″E 195.47 feet;
583. S 73°38′32″E 249.36 feet;
584. S 80°08′31″E 178.26 feet;
585. S 75°15′19″E 328.39 feet;
586. S 80°54′17″E 150.18 feet;
587. S 73°52′56″E 178.14 feet;
588. S 84°50′48″E 129.59 feet;
589. S 81°50′59″E 226.00 feet;
590. S 75°53′33″E 265.24 feet;
591. S 81°48′54″E 372.97 feet;
592. S 79°11′16″E 380.14 feet;
593. S 79°25′58″E 134.03 feet;
594. S 24°53′23″E 22.03 feet;
595. S 85°54′52″E 72.28 feet;

596. N 82°15′33″E 50.78 feet;
597. S 71°40′20″E 86.15 feet;
598. S 83°37′15″E 80.91 feet;
599. S 66°03′44″E 125.08 feet;
600. S 76°47′34″E 122.03 feet;
601. S 69°35′21″E 96.57 feet;
602. S 76°00′45″E 117.16 feet;
603. S 65°00′50″E 82.93 feet;
604. S 75°01′00″E 95.23 feet;
605. N 83°00′55″E 78.04 feet;
606. S 61°17′50″E 77.21 feet;
607. S 72°34′01″E 217.36 feet;
608. S 62°10′44″E 108.33 feet;
609. S 73°25′49″E 266.60 feet;
610. S 70°21′51″E 126.29 feet;
611. S 73°29′15″E 205.96 feet;
612. S 77°22′14″E 103.14 feet;
613. S 68°34′55″E 111.26 feet;
614. N 65°27′32″E 80.54 feet;
615. S 83°38′02″E 38.87 feet;
616. S 57°26′10″E 108.65 feet;
617. S 67°34′57″E 239.54 feet;
618. S 81°18′34″E 87.76 feet;
619. S 70°20′55″E 250.11 feet;
620. S 66°24′51″E 140.26 feet;
621. S 62°57′51″E 130.66 feet;
622. S 72°52′00″E 257.10 feet;
623. S 63°05′55″E 128.72 feet;
624. S 71°10′45″E 229.60 feet;
625. S 62°58′43″E 104.42 feet;
626. S 69°05′40″E 234.01 feet;
627. S 65°04′36″E 136.12 feet;
628. S 59°05′12″E 138.55 feet;
629. S 67°56′20″E 145.05 feet;
630. S 64°55′40″E 102.65 feet;

631. S 62°11′03″E 135.63 feet;
632. S 65°23′19″E 127.50 feet;
633. S 56°52′07″E 125.46 feet;
634. S 50°59′31″E 225.36 feet;
635. S 55°08′58″E 105.86 feet;
636. S 67°01′55″E 118.11 feet;
637. S 60°57′13″E 150.40 feet;
638. S 48°49′30″E 84.48 feet;
639. S 65°35′56″E 142.48 feet;
640. N 89°23′45″E 41.73 feet;
641. S 57°51′45″E 125.91 feet;
642. S 56°29′17″E 262.48 feet;
643. S 59°40′11″E 156.98 feet;
644. S 48°27′19″E 212.94 feet;
645. S 66°08′37″E 100.78 feet;
646. S 55°01′47″E 129.23 feet;
647. S 52°28′46″E 204.68 feet;
648. S 61°12′11″E 181.21 feet;
649. S 37°39′48″E 66.00 feet;
650. S 49°08′11″E 92.35 feet;
651. S 58°48′24″E 90.78 feet;
652. S 38°03′31″E 92.27 feet;
653. S 43°43′07″E 88.54 feet;
654. S 51°32′30″E 82.61 feet;
655. S 41°00′07″E 99.90 feet;
656. S 46°08′39″E 210.71 feet;
657. S 51°32′03″E 97.74 feet;
658. S 40°54′29″E 214.05 feet;
659. S 02°47′21″W 38.23 feet;
660. S 46°39′58″E 84.63 feet;
661. S 28°51′47″E 212.26 feet;
662. S 39°10′09″E 69.39 feet;
663. S 26°39′24″E 148.20 feet;
664. S 20°17′51″E 50.30 feet;
665. S 36°10′31″W 25.90 feet;

666. S 30°25′15″E 27.33 feet;
667. N 67°09′38″E 23.47 feet;
668. S 34°19′33″E 78.49 feet;
669. S 27°46′57″E 104.39 feet;
670. S 22°20′57″E 205.31 feet;
671. S 20°34′38″E 212.08 feet;
672. S 23°12′41″E 100.53 feet;
673. S 10°39′41″E 92.86 feet;
674. S 13°51′46″E 181.10 feet;
675. S 26°25′11″E 100.51 feet;
676. S 28°48′18″E 266.84 feet;
677. S 26°24′33″E 289.20 feet;
678. S 30°55′21″E 250.10 feet;
679. S 30°00′26″E 294.96 feet;
680. S 27°05′45″E 298.90 feet;
681. S 26°36′05″E 246.59 feet;
682. S 24°04′14″E 129.16 feet;
683. S 18°24′10″E 263.99 feet;
684. S 19°38′55″E 108.55 feet;
685. S 11°09′29″W 14.06 feet;
686. S 21°46′47″E 230.73 feet;
687. S 27°14′52″E 76.93 feet;
688. S 09°59′07″E 172.96 feet;
689. S 02°16′55″W 83.13 feet;
690. S 14°23′28″E 251.35 feet;
691. S 08°12′25″E 193.98 feet;
692. S 07°37′21″E 115.12 feet;
693. S 03°08′44″E 121.00 feet;
694. S 07°49′00″W 184.40 feet;
695. S 11°40′00″W 274.65 feet;
696. S 18°06′52″W 176.99 feet;
697. S 25°11′15″W 223.41 feet;
698. S 01°37′33″W 50.40 feet;
699. S 76°11′04″W 28.35 feet;
700. S 15°18′44″W 45.74 feet;

701. S 44°01′15″W 77.38 feet;
702. S 33°20′32″W 198.24 feet;
703. S 09°45′36″W 31.97 feet;
704. S 67°36′06″W 56.14 feet;
705. S 30°28′52″W 37.06 feet;
706. S 59°19′13″W 148.03 feet;
707. S 89°59′46″W 146.03 feet;
708. S 56°07′09″W 190.70 feet;
709. S 76°39′12″W 70.74 feet;
710. S 64°10′36″W 100.87 feet;
711. S 71°59′42″W 265.87 feet;
712. S 68°05′09″W 92.39 feet;
713. S 49°57′27″W 34.37 feet;
714. S 68°45′32″W 110.52 feet;
715. S 51°21′10″W 225.77 feet;
716. S 46°51′11″W 142.59 feet;
717. S 40°21′42″W 124.78 feet;
718. S 42°48′55″W 102.20 feet;
719. S 53°23′18″W 129.18 feet;
720. S 43°39′06″W 147.26 feet;
721. S 42°32′22″W 148.07 feet;
722. S 46°14′58″W 232.20 feet;
723. S 38°16′09″W 121.21 feet;
724. S 28°33′33″W 51.79 feet;
725. S 55°17′44″W 105.12 feet;
726. S 43°08′25″W 192.62 feet;
727. S 42°58′34″W 74.89 feet;
728. S 25°27′32″W 71.81 feet;
729. S 55°28′32″W 125.31 feet;
730. S 53°23′31″W 107.61 feet;
731. S 47°49′50″W 99.52 feet;
732. S 61°59′40″W 100.69 feet;
733. S 54°25′51″W 181.68 feet;
734. S 76°32′42″W 24.63 feet;
735. S 48°29′48″W 233.50 feet;

736. S 86°22′11″W 43.75 feet;
737. S 54°55′02″W 102.72 feet;
738. S 49°59′24″W 112.67 feet;
739. S 53°07′51″W 160.74 feet;
740. S 60°24′15″W 81.03 feet;
741. S 45°44′09″W 50.10 feet;
742. S 63°18′46″W 48.23 feet;
743. S 77°17′01″W 29.80 feet;
744. S 56°12′52″W 198.12 feet;
745. S 63°10′28″W 110.12 feet;
746. S 57°00′17″W 106.34 feet;
747. S 69°35′07″W 113.41 feet;
748. S 64°34′41″W 114.10 feet;
749. S 56°22′36″W 124.00 feet;
750. S 48°21′41″W 331.65 feet;
751. S 34°59′21″W 214.69 feet;
752. S 29°28′22″W 117.25 feet;
753. S 24°56′24″W 83.26 feet;
754. S 18°48′55″W 77.17 feet;
755. S 10°42′08″E 162.73 feet;
756. S 22°47′29″E 164.14 feet;
757. S 06°41′13″W 24.99 feet;
758. S 21°01′39″E 166.38 feet;
759. S 65°05′14″E 18.30 feet;
760. S 19°32′21″E 62.85 feet;
761. S 36°38′05″E 46.76 feet;
762. S 08°34′36″E 104.14 feet;
763. S 29°56′22″E 74.54 feet;
764. S 36°38′32″E 106.20 feet;
765. S 41°28′29″E 94.29 feet;
766. S 45°24′24″E 247.11 feet;
767. S 36°11′07″E 118.17 feet;
768. S 22°29′31″E 56.86 feet;
769. S 36°37′24″E 132.95 feet;
770. S 32°53′13″E 228.74 feet;

771. S 25°33′10″E 123.78 feet;
772. S 36°05′29″E 305.24 feet;
773. S 38°58′11″E 343.15 feet;
774. S 37°14′51″E 283.75 feet;
775. S 40°41′02″E 253.31 feet;
776. S 44°23′34″E 320.92 feet;
777. S 51°39′29″E 47.02 feet;
778. S 38°17′13″E 189.64 feet;
779. S 29°41′54″E 244.71 feet;
780. S 67°34′27″E 25.22 feet;
781. S 31°44′33″E 126.08 feet;
782. S 48°31′24″E 48.21 feet;
783. S 07°36′37″W 19.48 feet;
784. S 33°21′25″E 208.40 feet;
785. S 26°22′29″E 222.13 feet;
786. S 35°15′47″E 216.91 feet;
787. S 77°17′17″E 27.49 feet;
788. S 17°56′13″E 61.86 feet;
789. S 37°08′35″E 66.73 feet;
790. S 29°10′16″E 110.25 feet;
791. S 34°06′21″E 243.12 feet;
792. S 40°20′23″E 142.82 feet;
793. S 30°43′37″E 107.41 feet;
794. S 40°38′33″E 322.38 feet;
795. S 01°33′17″E 23.22 feet;
796. S 37°48′53″E 271.36 feet;
797. S 36°17′19″E 318.41 feet;
798. S 34°48′10″E 266.05 feet;
799. S 38°38′40″E 236.92 feet;
800. S 42°56′22″E 324.31 feet;
801. S 42°15′21″E 262.89 feet;
802. S 41°43′45″E 284.81 feet;
803. S 39°24′11″E 167.70 feet;
804. S 32°32′27″E 82.56 feet;
805. S 41°59′11″E 132.75 feet;

806. S 32°47′44″E 331.64 feet;
807. S 34°13′24″E 306.32 feet;
808. S 25°48′55″E 127.47 feet;
809. S 24°26′47″E 226.80 feet;
810. S 18°52′19″E 225.90 feet;
811. S 34°24′10″E 53.06 feet;
812. S 06°14′11″E 64.07 feet;
813. S 23°02′28″E 110.30 feet;
814. S 19°41′29″E 204.51 feet;
815. S 04°50′10″W 49.82 feet;
816. S 38°56′27″W 64.31 feet;
817. S 25°16′25″W 57.74 feet;
818. S 43°14′24″W 54.57 feet;
819. N 65°45′19″W 29.05 feet;
820. S 23°32′11″W 53.92 feet;
821. S 00°16′24″E 71.24 feet;
822. S 67°44′27″W 30.91 feet;
823. S 35°24′30″W 78.34 feet;
824. S 18°27′07″W 127.83 feet;
825. S 08°21′04″W 78.49 feet;
826. S 08°01′19″E 45.65 feet;
827. S 21°57′03″E 56.20 feet;
828. S 25°48′52″W 67.24 feet;
829. S 13°41′05″W 89.36 feet to a standard California State Lands Commission brass tablet set in concrete stamped "S-LB-ARIZ LB-1002-1981" having California Coordinate System, Zone 6 coordinates of x = 2,482,687.70 feet and y = 387,254.91 feet, from which United States Water and Power Resources Service (formerly United States Bureau of Reclamation) Station RUIN bears N 45°17′59″E 524.27 feet; thence, the following two courses:

830. S 54°13′42″W 37.57 feet;

831. S 00°13′08″E 60.22 feet to a point having California Coordinate System, Zone 6 coordinates of x = 2,482,657.45 feet and y = 387,172.73 feet as said point is shown on the Davis Lake Area Project Administrative Maps, hereinbefore described; thence,

832. N 77°38′10″W 213.25 feet to a point on the center line of the former channel of the Colorado River, said point also being the point of beginning of the herein described parcel of land.

Bearings and distances in the above description are based on the California Coordinate System, Zone 6.

APPENDIX A

# In the Supreme Court of the United States

OCTOBER TERM, 1980

---

No. 78, Original

STATE OF CALIFORNIA, PLAINTIFF

*v.*

STATE OF ARIZONA and the
UNITED STATES OF AMERICA,
DEFENDANTS

---

## JOINT MOTION FOR ENTRY OF DECREE

---

The State of California, the United States of America, and the State of Arizona jointly move that the Court enter a Decree, in the form of the Proposed Decree submitted herewith, quieting title in the State of California and the State of Arizona, respectively, to certain lands comprising the bed of the former channel of the Colorado River. The parties stipulate that this Decree may be entered without further argument or hearing before the Court.

Respectfully submitted.

GEORGE DEUKMEJIAN
*Attorney General*
*State of California*

N. GREGORY TAYLOR
*Assistant Attorney General*

DENNIS M. EAGAN
NANCY A. SAGGESE
*Deputy Attorneys General*

ROBERT K. CORBIN
*Attorney General*
*State of Arizona*

RUSSELL A. KOLSRUD
*Assistant Attorney General*

WADE H. MCCREE, JR.
*Solicitor General*

LOUIS F. CLAIBORNE
*Deputy Solicitor General*

JOHN E. LINDSKOLD
*Attorney*

MAY 1981

APPENDIX B

# In the Supreme Court of the United States

OCTOBER TERM, 1980

---

No. 78, Original

STATE OF CALIFORNIA, PLAINTIFF

*v.*

STATE OF ARIZONA and the
UNITED STATES OF AMERICA,
DEFENDANTS

---

## MEMORANDUM IN SUPPORT OF JOINT MOTION FOR ENTRY OF DECREE

---

This memorandum is submitted by the parties to this action in support of their joint motion for entry of a decree quieting title in the State of California and the State of Arizona, respectively, to certain portions of the bed of the former channel of the Colorado River.

## STATEMENT

This action pertains to an 11.3-mile reach of the former channel of the Colorado River in the Davis Lake Area, approximately twenty miles downstream from Blythe, California. Because of rechannelization projects completed by the Federal Government over the years in this area, the present channel of the Colorado River now lies to the east of the former channel. These artificial changes in the river chan-

nel did not affect ownership of the former river bed, however. Ownership of the former bed of the navigable river, once the boundary between California and Arizona, vested in those States, one half to each, and that title remains in them, notwithstanding subsequent artificial and avulsive changes in the course of the river and the relocation of the political boundary by congressionally approved compact in 1966 (Pub. L. No. 89-531, 80 Stat. 340). (See *State Land Board* v. *Corvallis Sand & Gravel Co.* (1977) 429 U.S. 363, 370; *Arkansas* v. *Tennessee* (1918) 246 U.S. 158, 173.)

Because of a dispute among the parties as to the location of the former bed of the Colorado River in this area, California filed this action to quiet its title as against the State of Arizona and the United States of America, the principal upland owner, to half of the bed of the former channel in this 11.3-mile reach. After hearing argument, the Court overruled the sovereign immunity objection of the United States, holding that 28 U.S.C. 1346(f) and 2409a(a) permitted an original action of this kind to be prosecuted in this Court. 440 U.S. 59 (1979). Leave to file was accordingly granted, and, in due course, a Special Master was appointed to hear the case. 441 U.S. 959 (1979). The State of Arizona filed a counterclaim and cross-claim, seeking to quiet title to its half of the bed of the former channel.

In response to both States, the United States interposed a defense of limitations under 28 U.S.C. 2409a(f) as to part of the area in dispute that it had surveyed in 1961, and, as to another portion, claimed title by virtue of condemnation proceedings. The Special Master heard evidence on these threshold defenses of the United States and ultimately overruled them. The Master concluded that both the

1961 federal survey—asserted as a "claim" of title by the United States more than 12 years before the present action—and the condemnation judgment merely described the boundary of federal lands as the bank of the former bed of the river, wherever it might be determined to lie. The United States has not chosen to contest these rulings.

Accordingly, the only remaining issue in this action is the location of the boundary of the former bed of the Colorado River prior to the avulsive and artificial changes in the river's location caused by the Federal Government's rechannelization projects. The parties have developed conflicting evidence concerning this question. They have now reviewed the evidence concerning various alternative locations of the former river bed, and have selected a mutually agreeable location which is embodied in the descriptions incorporated in the Proposed Decree submitted herewith. This memorandum summarizes the conflicting evidence and contentions of the parties which give rise to uncertainty concerning the location of the former river bed and which have provided the basis for this joint motion for entry of the Proposed Decree.

## DISCUSSION

There have been two rechannelization projects in the subject area. One affected the location of the river in the northerly 2.7 miles of the 11.3-mile reach of the former channel here in issue. The other affected the southerly 8.6 miles of the former channel. The impact of each project on the river's location is discussed separately.

### A. Northerly 2.7 Miles

The first rechannelization of the river in the immediate area of the subject action was commenced

in 1947, when the U.S. Bureau of Reclamation excavated a "pilot cut" which commenced at the northerly end of the subject reach of the river and rejoined the river some distance to the southwest. The purpose of the cut was to straighten and shorten the river, bypassing approximately 2.7 miles of river channel and thereby lowering the water level in the bypassed section so as to permit better discharge of irrigation run-off into the old channel from the outfall drain of the Palo Verde Irrigation District. Water began running through the pilot cut in 1947, and the erosive action of the river was expected to widen and deepen the cut so as to allow a greater and greater volume of the river's flow to proceed down the pilot cut. Over the years between 1947 and 1953, certain additional work was done both at the entrance to the old channel and within the pilot cut to increase the volume of water proceeding through the pilot cut. The last such work was completed in 1953, when the entrance to the old channel was completely sealed.

The parties are in agreement that this rechannelization project accomplished an avulsive change in the course of the river. They differ concerning the width and location of the river in its former position. Differing widths and locations for the bed of the former channel are derived from the available evidence, which consists predominantly of old surveys and maps, quadrangle maps of the U.S. Geological Survey, and aerial photographs taken at various times. The evidence in many cases is subject to conflicting interpretation and, as such, is inconclusive.

Given the above uncertainties and conflicts in the evidence, the parties recognize that there is no single

location of the bed of the former channel in this 2.7-mile segment that would be universally accepted as the sole true location. To the contrary, there are a number of different locations for the bed that might be accepted as reasonable approximations of the proper location of the former bed in this reach of the river. Accordingly, the parties have selected one such location as a mutually agreeable and reasonable approximation of the bed of the former channel. This location of the bed is reflected in the metes and bounds descriptions that are incorporated in the Proposed Decree.

B. Southerly 8.6 Miles

The second rechannelization project that affected this reach of the river was the Bureau of Reclamation's 1968 Cibola Rechannelization Project. It bypassed the remainder of the 11.3-mile reach of the river at issue here, as well as the major portion of the 1947 pilot cut. Again, it is undisputed that the rechannelization resulted in an avulsive change in the river's location.

There is not a wide divergence between the two states and the United States concerning the location of the former bed of the river in this area. The United States relies on meander lines surveyed by the U.S. Bureau of Land Management a few years prior to the project as a reasonable approximation of the former location of the river bed, whereas the states rely on a series of aerial photographs of the river prior to the project, from which a metes and bounds description of the river bed has been derived.

The parties recognize that neither of these locations is necessarily conclusive; both are reasonable approximations of the location of the former bed in this reach of the river. The parties have arrived at

a mutually agreeable location that incorporates elements of both the Bureau of Land Management meander lines and the description derived by the states from aerial photographs. The end product is a reasonable approximation of the bed of the former channel, and this location of the bed is reflected in the metes and bounds descriptions that are incorporated in the Proposed Decree.

This Court has on numerous occasions entered decrees in original actions pursuant to the stipulation or joint motion of the parties. (See, e.g., *New Hampshire* v. *Maine* (1976) 426 U.S. 363, decree entered (1977) 434 U.S. 1; *United States* v. *Florida* (1975) 420 U.S. 531, decree entered (1976) 425 U.S. 791; *Wisconsin* v. *Illinois* (1930) 281 U.S. 696, decree entered (1967) 388 U.S. 426; see generally Stern & Gressman, Supreme Court Practice (5th ed. 1978) p. 624.) For example, in *New Hampshire* v *Maine, supra,* the Court granted the joint motion of the parties and entered the requested decree locating the lateral marine boundary separating the two states. Because the proposed decree in that case involved determination of the political boundary between the two states, an issue was presented concerning the propriety of the joint motion under the compact clause. (426 U.S. at pp. 369-370.) No such question is involved here. Decrees proposed to the Court by the parties have on occasion been rejected, but only in circumstances not present here, as where the Court has been asked to stray beyond the scope of its "judicial power" under article III of the United States Constitution. (Compare *New Hampshire* v. *Maine, supra* (proposed decree entered), with *Vermont* v. *New York* (1974) 417 U.S. 270 (proposed decree rejected).) The parties submit that the pres-

ent resolution of the title dispute is well within the traditional authority of the Court, and does not require it to exercise non-judicial power.

## CONCLUSION

It is therefore respectfully requested that a Decree be entered in the form herein proposed.

Respectfully submitted.

GEORGE DEUKMEJIAN
*Attorney General*
*State of California*

N. GREGORY TAYLOR
*Assistant Attorney General*

DENNIS M. EAGAN
NANCY A. SAGGESE
*Deputy Attorneys General*

ROBERT K. CORBIN
*Attorney General*
*State of Arizona*

RUSSELL A. KOLSRUD
*Assistant Attorney General*

WADE H. MCCREE, JR.
*Solicitor General*

LOUIS F. CLAIBORNE
*Deputy Solicitor General*

JOHN E. LINDSKOLD
*Attorney*

MAY 1981

☆ U. S. GOVERNMENT PRINTING OFFICE: 1981 348804 505